FEDERAL REGISTER

VOLUME 22 NUMBER 32

Washington, Friday, February 15, 1957

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM COMPETITIVE SERVICE

DEPARTMENT OF STATE

Effective upon publication in the FEDERAL REGISTER, paragraph (j) (6) of § 6.302 is revoked.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 57-1212; Filed, Feb. 14, 1957; 8:55 a. m.]

TITLE 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

PART 11—SALES OF AGRICULTURAL COMMODITIES FOR FOREIGN CURRENCIES

SUBPART A—REGULATIONS GOVERNING THE FINANCING OF COMMERCIAL SALES OF SURPLUS AGRICULTURAL COMMODITIES FOR FOREIGN CURRENCIES

MISCELLANEOUS AMENDMENTS

Basis and purpose of Amendment 1. Section 11.4 (d) (7) of the regulations provides that demurrage and dispatch at point of discharge shall be for the account of the supplier except that the export sales contract may provide that net demurrage at point of discharge shall be for the account of the importer.

The purpose of Amendment 1 is to eliminate the prohibition against the importer earning dispatch in excess of demurrage at point of discharge under export sales contracts where ocean freight is financed as part of the commodity price.

Basis and purpose of Amendment 2. Section 11.7 (b) (3) of the regulations provides that application for reimbursement for supplemental payment under the direct reimbursement method of financing must be made within 180 days from the date of reimbursement for the initial payment by CCC.

The purpose of Amendment 2 is to require that any requests for reimbursement must be submitted to CCC within a period of 210 days after expiration of the specified delivery period or any extension thereof.

Basis and purpose of Amendment 3. Section 11.8 (d) (8) provides that drafts drawn by banking institutions on CCC shall be presented not later than 180 days after expiration of the delivery period specified in the applicable purchase authorization or any extension thereof granted by the Administrator.

The purpose of Amendment 3 is to increase the period of time for presentation to 210 days after expiration of the specified delivery period or any extension thereof.

Basis and purpose of Amendment 4. Section 11.9 (a) provides that drafts drawn on CCC and requests submitted to CCC for reimbursement shall be supported by certain required documents.

The purpose of Amendment 4 is to add a paragraph listing as a required document the signed original of CCC Form 329-3 "Statement of Transmittal of Ocean Bills of Lading".

Basis and purpose of Amendment 5. Section 11.9 (c) of the regulations prescribes the contents of CCC Form 329, "Supplier's Certificate".

The purpose of Amendment 5 is to amend paragraph 6 of the certificate to eliminate the certification that net dispatch earnings are for the account of the supplier, and to provide that information with respect to agents' commissions need not be filled in on any copies of the invoice-and-contract abstract (reverse side of CCC Form 329) furnished by the supplier to the importer.

Basis and purpose of Amendment 6. Section 11.10 (m) provides that banking institutions shall not finance the transaction unless the documentation bears the appropriate purchase authorization number and evidences delivery within the delivery period specified in the purchase authorization.

The purpose of Amendment 6 is to make it clear that the extent of the banking institution's responsibilities with respect to the delivery period specified in the purchase authorization, is to ascertain that the shipping documents evidence delivery within the prescribed period.

The Regulations Governing the Financing of Commercial Sales of Surplus

(Continued on p. 945)

CONTENTS

FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15 cents) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER, or the CODE OF FEDERAL REGULATIONS.

CONTENTS—Continued

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

CODIFICATION GUIDE—Con.

Agricultural Commodities for Foreign Currencies (21 F. R. 1431) are hereby amended as follows:

1. Paragraph (d) (7) of § 11.4 *Purchase authorizations* is hereby amended to read as follows:

(7) *Ocean freight financed as part of the commodity price.* Ocean freight will be financed as part of the commodity cost only to the extent specifically provided in the applicable purchase authorization. In the absence of a specific provision in the applicable purchase authorization, the cost of ocean freight will not be financed by CCC as part of the commodity price and must not be covered by the net invoice price. Discharge costs on shipments under any export sales contracts where ocean freight is being financed as part of the commodity price may be for the account of the vessel only when in accordance with trade custom.

2. Paragraph (b) (3) of § 11.7 *Methods of financing* is hereby amended to read as follows:

(3) Unless otherwise specifically provided in the purchase authorization, all requests for reimbursement supported by the required documentation shall be submitted to CCC not later than 210 days after expiration of the delivery period specified in the applicable authorization or any extension thereof granted by the Administrator.

3. Paragraph (d) (8) of § 11.8 *Letters of commitment to banking institutions* is hereby amended to read as follows:

(8) Unless otherwise specifically provided in the letter of commitment, drafts drawn by banking institutions on CCC shall be presented not later than 210 days after expiration of the delivery period specified in the applicable purchase authorization or any extension thereof granted by the Administrator.

4. a. Paragraph (a) of § 11.9 *Documentation* is hereby amended to add a subparagraph (8) to read as follows:

(8) Signed original of CCC Form 329–3 "Statement of Transmittal of Ocean Bills of Lading" showing that two non-negotiable copies (or photostats) of the on-board ocean bill of lading have been forwarded to the Administrator, Foreign Agricultural Service, Washington 25, D. C., as required by § 11.4 (d) (9).

b. Present subparagraph (8) is renumbered subparagraph (9).

5. Paragraph (c) of § 11.9 *Documentation* is hereby amended to read as follows:

(c) The supplier's certificate is as follows:

COMMODITY CREDIT CORPORATION FORM 329
(NOVEMBER 15, 1956)

SUPPLIER'S CERTIFICATE

The supplier hereby acknowledges notice that the sum indicated on the accompanying invoice as claimed to be due and owing under the terms of the underlying contract, is to be paid out of funds made available by the Commodity Credit Corporation under the Agricultural Trade Development and Assistance Act of 1954, as amended, and further certifies and agrees with CCC as follows:

(1) The supplier is entitled under said contract to the payment of the claimed sum, and he will promptly make appropriate refund to the CSS Office named in the purchase authorization for any breach by him of the terms of this certificate.

(2) Payment of damages for breach of said contract and of adjustment refunds arising out of the terms of the contract or the customs of the trade shall be made, in United States dollars, for the account of the party entitled to such payment and, unless otherwise provided in the purchase authorization, shall be remitted to the banking institution to which the supplier presented the documents covering the original transaction.

(3) The supplier is the producer, processor, or exporter of, or a regular dealer in, the commodity, or is the ocean carrier who furnished transportation under said contract, and has not employed any person to obtain said contract under any agreement for a commission, percentage, or contingent fee, except to the extent, if any, of the payment of a commission to a bona fide established commercial or selling agent employed by the supplier as disclosed on the reverse of this form.

(4) The supplier has not given or received and will not give or receive by way of side payment, "kickbacks", or otherwise, any benefit in connection with said contract except as is disclosed on the reverse of this form, or as is the result of the adjustments referred to in paragraph (2) above.

(5) Unless authorized by the applicable purchase authorization, the net invoice price does not contain any amount to cover the cost of ocean freight or insurance.

(6) If the applicable purchase authorization so authorizes and the export sales contract requires payment by the supplier of ocean freight, discharge costs are for the account of the vessel only if in accordance with trade customs.

(7) If the applicable purchase authorization so authorizes and the export sales contract requires payment by the supplier of insurance, the policies of insurance contain a provision requiring the underwriter to notify the CSS Office of any claim paid.

(8) If the supplier is the producer, or processor of a commodity, said contract is not a cost plus-a-percentage-of-cost contract.

(9) On the basis of information obtained from such sources as are available to the supplier, and to the best of his information and belief, the commodity was grown in the United States and, if processed, such processing was performed in the United States. (This certification is not required where the commodities exported were the identical commodities purchased from CCC.)

(10) On the basis of information obtained from such sources as are available to the supplier, and to the best of his information and belief, his sales price is no higher than the maximum specified in the applicable regulations of the U. S. Department of Agriculture or in the purchase authorization.

(11) The supplier has complied with the applicable requirements of said regulations, and has allowed all discounts, including discounts for quantity purchases and prompt payment, customarily allowed his other customers similarly situated.

(12) If the supplier is an ocean carrier, he shall not be deemed to certify to paragraph (2) in the case of c. & f. or c. i. f. transactions or to paragraph (5), (6), (7), (8), (9), (10), and (11) but instead certifies that the rate indicated on the reverse of this form for ocean transportation does not exceed the prevailing rate for similar freight contracts or the rate paid to the supplier for similar services by other customers similarly situated; that address commissions have not and will not be paid; that brokerage commissions in excess of 2½ percent of the freight charged have not and will not be paid; and that the names of all parties participating in the brokerage commission are shown on the charter party.

(13) The supplier has filled in the applicable portions of the invoice-and-contract abstract on the reverse hereof, certifies to the correctness of the information shown therein, and will furnish promptly to the CSS Office, upon request, such additional information in such form as the CSS Office may require concerning price or any other details of the contract.

(Date)

(Name of Supplier)

(Authorized signature)

(Title)

NOTE: Any amendments, deletions of applicable provisions, or substitutions will invalidate this certificate.

Before executing the supplier's certificate, the supplier shall fill in the invoice-and-contract abstract on the reverse side in accordance with the instructions printed on the form. The information required by the abstract is generally as follows:

(1) Invoice information, including the supplier's name and address, the importer's name and address, and detailed billing and shipping data.

(2) Information relating to agents' commissions paid or to be paid. This information with respect to agents' commissions need not be filled in on any copies of CCC Form 329 to be furnished by the supplier to the importer.

(3) Contract and price information expressed in dollars including a reconciliation of the contract and invoice prices applicable.

6. Paragraph (m) of § 11.10 *Responsibilities of banking institutions in connection with letters of commitment issued to them* is amended to read as follows:

(m) Section 11.13 contains provisions concerning use of the purchase authorization number, placement of orders, and delivery dates. Banking institutions financing transactions under letters of commitment are not required to assume responsibility for compliance with this section, but shall not finance the transactions unless the documentation bears the appropriate purchase authorization number and the shipping documents evidence delivery within the delivery period specified in the purchase authorization.

(Sec. 102, 68 Stat. 455; 7 U. S. C. 1702. E. O. 10560, 19 F. R. 5927, 3 CFR, 1954 Supp.)

Effective date. These amendments shall become effective upon publication

in the FEDERAL REGISTER as to purchase authorizations originally issued on and after the date of such publication. Purchase authorizations originally issued prior to such date of publication shall continue to be subject to the provisions of this subpart applicable thereto prior to these amendments unless these amendments are made applicable to such purchase authorizations by amendment or modification of such purchase authorizations.

Done at Washington, D. C., this 12th day of February 1957. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-1177; Filed, Feb. 14, 1957; 8:49 a. m.]

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

SUBPART—UNITED STATES STANDARDS FOR GRADES OF CANNED ASPARAGUS

Correction

In Federal Register Document 57-1017, published at page 805 in the issue for Saturday, February 9, 1957, paragraph (a) of § 52.2556 should read as follows:

§ 52.2556 *Definitions and explanations of terms*—(a) *Head.* Head in cut spears means the tip end which has been cut from an asparagus shoot which is 5/8 inch or more in length with respect to the green type and which is 3/8 inch or more in length with respect to green tipped and white and white types, or the upper portion of a spear which possesses a substantial amount of head material which has been cut from near the tip end and which is approximately the same length as the other cut units.

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[970.303 Amdt. 3]

PART 970—IRISH POTATOES GROWN IN MAINE

LIMITATION OF SHIPMENTS

Findings. (a) Pursuant to Marketing Agreement No. 122 and Order No. 70 (7 CFR Part 970), regulating the handling of Irish potatoes grown in Maine, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Maine Potato Marketing Committee, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the amendment to the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (1) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, (2) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes, in the manner set forth below, on and after the effective date of this amendment, (3) compliance with this amendment will not require any special preparation on the part of handlers which cannot be completed by the effective date, (4) reasonable time is permitted, under the circumstances, for such preparation, (5) information regarding the committee's recommendations has been made available to producers and handlers in the production area, and (6) this amendment relieves restrictions on the handling of potatoes grown in the production area.

Order, as amended. The provisions of paragraph (b) (1) of § 970.303, as amended (21 F. R. 6911, 8232; 22 F. R. 544), are hereby amended by adding the following proviso at the end thereof: ": *Provided,* That beginning on February 18, 1957, potatoes of such long varieties that are in packs of 50 pounds, or more, may be shipped if such potatoes are at least 'fairly clean'."

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: February 12, 1957, to become effective February 18, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-1213; Filed, Feb. 14, 1957; 8:55 a. m.]

[Tomato Reg., Amdt. 1]

PART 1065—TOMATOES

MISCELLANEOUS AMENDMENTS

Pursuant to the requirement contained in section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), § 1065.2 *Tomato Regulation No. 2* (22 F. R. 811) is hereby amended as follows:

1. Amend paragraph (a) *Import restrictions* to read as follows:

(a) *Import restrictions.* During the period from February 14, 1957, through March 9, 1957, and subject to CFR Part 1060 of this subchapter applicable to the importation of listed commodities and the requirements of this section, no person shall import any tomatoes unless such tomatoes are of a diameter greater than 2 1/8 inches and meet the requirements of U. S. Combination, or better, grade except that tomatoes which are of a diameter greater than 2 9/32 inches may be imported if they meet the requirements of the U. S. No. 2, or better, grade.

2. Delete paragraph (b), and renumber paragraphs (c), (d), (e), and (f) as paragraphs (b), (c), (d), and (e), respectively.

3. Amend newly renumbered paragraph (d) (6) (formerly (e) (6)), to read as follows:

(6) The following shipping point tolerances, applicable to the U. S. Combination, and the U. S. No. 2 grades, respectively, shall apply to all inspections performed on tomatoes prior to or upon entry into the United States:

(i) *U. S. Combination.* "At shipping point (or in shipments from outside the continental United States when inspected at points of entry) not more than a total of 10 percent, by count, for tomatoes in any lot which fail to meet the requirements of the U. S. No. 2 grade: *Provided,* That not more than one-tenth of this amount, or 1 percent, shall be allowed for tomatoes which are soft or affected by decay;" and

(ii) *U. S. No. 2.* "At shipping point (or in shipments from points outside the continental United States when inspected at points of entry) not more than a total of 10 percent, by count, for tomatoes in any lot which fail to meet the requirements of this grade: *Provided,* That not more than one-tenth of this amount, or 1 percent, shall be allowed for tomatoes which are soft or affected by decay."

4. Amend newly renumbered paragraph (e) (1) (formerly (f) (1)) to read as follows:

(e) *Definitions.* (1) The terms "U. S. Combination", and "U. S. No. 2" shall have the same meaning assigned these terms in the United States Standards for Fresh Tomatoes (21 F. R. 9559).

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendatory regulation beyond that herein specified (5 U. S. C. 1001 et seq.) in that (i) the requirements established by this amended import regulation are issued pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), which makes such regulation mandatory; (ii) the same regulations are now in effect on domestic shipments of tomatoes under Marketing Agreement No. 125 and Order No. 45 (7 CFR 945.303; 22 F. R. 757, 812); (iii) compliance with this tomato import regulation should not require any special preparation by importers which cannot be completed by the effective date; (iv) this amendment imposes less severe restrictions on the importation of tomatoes than would be imposed by § 1065.2 Tomato Regulation

No. 2 (22 F. R. 811) if it were not amended; and (v) the regulations hereby established for tomatoes that may be imported into the United States are equivalent or comparable to those imposed upon domestic tomatoes under the aforesaid marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c. Interprets or applies sec. 401, 68 Stat. 906, 1047; 7 U. S. C. 608e)

Dated: February 12, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-1214; Filed, Feb. 14, 1957; 8:55 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

[B. A. I. Order 371, Amdt. 6]

PART 95—SANITARY CONTROL OF ANIMAL BYPRODUCTS (EXCEPT CASINGS), AND HAY AND STRAW, OFFERED FOR ENTRY INTO THE UNITED STATES

IMPORTATION OF CERTAIN CLOTH AND BURLAP FROM RINDERPEST OR FOOT-AND-MOUTH DISEASE COUNTRIES

Pursuant to the authority vested in the Secretary of Agriculture by section 2 of the act of February 2, 1903, as amended (21 U. S. C. 111), § 95.23 of the regulations governing the sanitary control of animal byproducts (except casings), and hay and straw, offered for entry into the United States (9 CFR 95.23) is hereby amended to read as follows:

§ 95.23 *Previously used meat covers; importations permitted subject to restrictions.* Cloth or burlap which has been used to cover fresh or frozen meats originating in any country designated in § 94.1 of this subchapter as a country in which rinderpest or foot-and-mouth disease exists, shall not be imported except under the following conditions:

(a) The cloth or burlap shall be consigned from the coast or border port of arrival to an establishment specifically approved for the purpose by the Chief of the Branch.

(b) The cloth or burlap shall be immediately moved from the coast or border port of arrival, or in case of I. T. or in-bond shipments from the interior port, to the establishment, in railroad cars or trucks, or in vessel compartments, with no other material contained therein, sealed with seals of the Department, which shall not be broken except by inspectors or other persons authorized by the Chief of Branch: *Provided, however,* That upon permission of the Chief of Branch, such cloth or burlap may be stored for a temporary period in approved warehouses at the port of arrival under bond and under the supervision of an inspector.

(c) The material shall be disinfected and otherwise handled at the establishment under the direction of an inspector in a manner approved by the Chief of Branch to guard against the dissemination of foot-and-mouth disease and rinderpest, and the material shall not be removed therefrom, except upon special permission of the Chief of Branch, until all of the conditions and requirements of this section have been complied with.

Previous regulations provided that cloth or burlap used to cover fresh or frozen meats originating in countries where rinderpest or foot-and-mouth disease exists, was prohibited entry into this country. Under this amendment this material may be imported under certain specified restrictions.

This amendment relieves certain restrictions on the importation of cloth and burlap and must be made effective immediately to be of maximum benefit to affected persons. Accordingly, pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure concerning this amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER. Such notice and hearing are not required by any other statute.

The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 2, 32 Stat. 792, as amended; 21 U. S. C. 111)

Done at Washington, D. C., this 11th day of February 1957.

M. R. CLARKSON,
Acting Administrator, Agricultural Research Service.

[F. R. Doc. 57-1176; Filed, Feb. 14, 1957; 8:49 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 13]

PART 610—MINIMUM EN ROUTE IFR ALTITUDES

MISCELLANEOUS AMENDMENTS

The minimum en route IFR altitudes appearing hereinafter have been coordinated with interested members of the industry in the regions concerned insofar as practicable. The altitudes are adopted without delay in order to provide for safety in air commerce. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required. Part 610 is amended as follows: (Listed items to be placed in appropriate sequence in the sections indicated).

Section 610.102 *Amber Civil Airway 2* is amended to delete:

From San Pedro INT, Calif.; to Long Beach, Calif., LFR; MEA 4,000.

From Long Beach, Calif., LFR; to *La Habra INT, Calif.; MEA 3,000. *10,000—MCA La Habra INT, northeastbound.

From La Habra INT, Calif.; to Fairgrounds INT, Calif. Northeastbound, MEA 12,000; southeastbound MEA 4,000.

From Fairgrounds INT, Calif.; to Daggett, Calif. LFR; MEA 12,000.

Section 610.107 *Amber Civil Airway 7* is amended to read in part:

From Relay INT, Md.; to Lock Raven INT, Md.; MEA 2,000.

Section 610.113 *Amber Civil Airway 13* is amended to delete:

From Riverdale, Md., LF/RBN; to Baltimore, Md. LFR; MEA 1,500.

From Baltimore, Md., LFR; to INT. N course Baltimore and SW course Philadelphia, LFR; MEA 2,000.

From INT. N course Baltimore and SW course Philadelphia, LFR; to Philadelphia, Pa., LFR; MEA 1,800.

From Philadelphia, Pa., LFR; to N. Philadelphia, Pa., LFR; MEA 1,800.

From N. Philadelphia, Pa., LFR; to Newark, N. J., LFR; MEA 1,500.

Section 610.114 *Amber Civil Airway 14* is amended to delete:

From Riverdale, Md., LF/RBN; to Ellicott City INT, Md.; MEA 2,000.

From Ellicott City INT, Md.; to Westminster INT, Md.; MEA 2,000.

From Westminster INT, Md.; to Lancaster, Pa., LF/RBN; MEA 2,000.

From Willow Grove, Pa. LFR; to Belle Mead INT, N. J.; MEA 1,700.

From Belle Mead INT, N. J.; to Chatham, N. J., LF/RBN; MEA 2,000.

Section 610.115 *Amber Civil Airway 15* is amended to delete:

From Riverdale, Md., LF/RBN; to Baltimore, Md., LFR; MEA 1,500.

From Baltimore, Md. LFR; to Int. N course Baltimore and SW course Philadelphia, LFR; MEA 2,000.

From Int. N course Baltimore and SW course Philadelphia, LFR; to Philadelphia, Pa., LFR; MEA 1,800.

From Philadelphia, Pa., LFR; to Mt. Holly INT, N. J.; MEA 1,800.

From Mt. Holly INT, N. J.; to Freehold INT, N. J.; MEA 1,500.

From Freehold INT, N. J.; to Idlewild, N. Y., LFR; MEA 1,500.

Section 610.119 *Amber Civil Airway 19* is amended to delete:

From Riverdale, Md., LF/RBN; to Baltimore, Md., LFR; MEA 1,500.

From Baltimore, Md., LFR; to Int. N course Baltimore, Md., and SW course Philadelphia, LFR; MEA 2,000.

From Int. N course Baltimore, Md., and SW course Philadelphia, LFR; to Philadelphia, Pa., LFR; MEA 1,800.

From Philadelphia, Pa., LFR; to Mt. Holly INT, N. J.; MEA 1,500.

From Mt. Holly INT, N. J.; to Freehold INT, N. J.; MEA 1,500.

From Freehold INT, N. J.; to Flatbush INT, N. Y.; MEA 1,500.

From Flatbush INT, N. J.; to La Guardia, N. Y. LFR; MEA 2,500.

Section 610.210 *Red Civil Airway 10* is amended to read in part:

From Alvord INT, Tex.; to Dallas, Tex., LFR; MEA 2,200.

Section 610.222 *Red Civil Airway 22* is amended to read in part:

From U. S. Canadian Border; to Buffalo, N. Y., LFR; MEA 2,300.

Section 610.223 *Red Civil Airway 23* is amended to read in part:

From U. S. Canadian Border; to Buffalo, N. Y., LFR; MEA 2,300.

Section 610.313 *Red Civil Airway 113* is added to read:

From Makapuu Pt., T. H., LF/RBN; to Int. 062 T bearing from Makapuu Pt., LF/RBN and N course Maui, LFR; MEA 2,000.

Section 610.1001 *Direct Routes, U. S.* is amended by adding:

From Placerville INT, Calif.; to Sacramento, Calif., VOR; westbound only; MEA 7,000.
From Yosemite INT, Calif.; to Modesto, Calif., VOR; westbound only, MEA 8,000.
From Orange Cove INT, Calif.; to Fresno, Calif., VOR; westbound only, MEA 4,000.

Section 610.6003 *VOR Civil Airway 3* is amended to delete:

From Raleigh-Durham, N. C., VOR; to Lawrenceville, Va., VOR; MEA 1,800.
From Lawrenceville, Va., VOR; to Flat Rock, Va., VOR; MEA 1,500.

Section 610.6003 *VOR Civil Airway 3* is amended to read in part:

From Int. 016 T radial, Washington, D. C., TVOR & 104 T radial, Herndon, Va., VOR; to Hereford INT, Md.; MEA *5,000. *2,000—MOCA.

Section 610.6003 *VOR Civil Airway 3* is amended by adding:

From Raleigh, N. C., VOR; to Chase City INT, Va.; MEA *3,000. *2,000—MOCA.
From Chase City INT, Va.; to Flat Rock, Va., VOR; MEA *2,500. *2,000—MOCA.

Section 610.6006 *VOR Civil Airway 6* is amended to read in part:

From Iowa City, Iowa, VOR, via S alter.; to Moline, Ill., VOR via S alter.; MEA 2,100.
From Moline, Ill., VOR; to *Shabbona INT, Ill.; MEA 2,100. *3,500—MRA.
From Shabbona INT, Ill.; to Sugar Grove INT, Ill.; MEA 2,100.
From Sugar Grove INT, Ill.; to Naperville, Ill., VOR; MEA 2,000.

Section 610.6007 *VOR Civil Airway 7* is amended to delete:

From Chicago Heights, Ill., VOR; to City INT, Ill, MEA 2,000.
From City INT, Ill.; to *Lake Forest INT, Ill.; MEA **3,000. *3,600—MRA. **2,500—MOCA.
From Lake Forest INT, Ill.; to *Bristol INT, Wis.; MEA **3,000. *3,000—MRA. **2,000—MOCA.
From Bristol INT, Wis.; to *Wind Lake INT, Wis.; MEA **3,000. *3,000—MRA. **2,000—MOCA.
From Wind Lake INT, Wis.; to Milwaukee, Wis., VOR; MEA 2,300.

Section 610.6007 *VOR Civil Airway 7* is amended by adding:

From Chicago Hgts., Ill., VOR; to *Bull Head INT, Ill.; MEA 2,500. *2,500—MRA.
From Bull Head INT, Ill.; to *Papi INT, Ill.; MEA 2,500. *2,500—MRA.
From Papi INT, Ill.; to *Taylor INT, Wis.; MEA **4,500. *4,500—MCA Taylor INT, southbound. **2,000—MOCA.
From Taylor INT, Wis.; to Racine INT, Wis.; MEA *3,000. *2,000—MOCA.
From Racine INT, Wis.; to *Oakwood INT, Wis.; MEA **3,000. *3,000—MRA. **2,100—MOCA.
From Oakwood INT, Wis.; to *New Berlin INT, Wis.; MEA **3,000. *3,500—MRA. **2,100—MOCA.
From New Berlin INT, Wis.; to Milwaukee, Wis., VOR; MEA 2,300.
From Chicago Heights, Ill., VOR via E alter.; to Beacon INT, Ill., via E alter.; MEA 2,000.
From Beacon INT, Ill., via E alter.; to *White Fish INT, Ill., via E alter.; MEA 2,500. *3,500—MRA.
From White Fish INT, Ill., via E alter.; to Taylor INT, Ill., via E alter.; MEA *3,500. *2,000—MOCA.
From Taylor INT, Ill., via E alter.; to Racine INT, Wis., via E alter.; MEA *3,000. *2,000—MOCA.
From Racine INT, Wis., via E alter.; to *Oakwood INT, Wis., via E alter.; MEA **3,000. *3,000—MRA. **2,100—MOCA.
From Oakwood INT, Wis., via E alter.; to *New Berlin INT, Wis., via E alter.; MEA **3,000. *3,500—MRA. **2,100—MOCA.
From New Berlin INT, Wis., via E alter.; to Milwaukee, Wis., VOR via E alter.; MEA 2,300.

Section 610.6008 *VOR Civil Airway 8* is amended to read in part:

From Denver, Colo., VOR via N alter.; to Wiggins INT, Colo., via N alter.; MEA 6,600.
From Wiggins INT, Colo., via N alter.; to Imperial, Nebr., VOR via N alter.; MEA *9,500. *7,000—MOCA.
From Iowa City, Iowa, VOR via S alter.; to Moline, Ill., VOR via S alter.; MEA 2,100.
From Moline, Ill., VOR; to *Shabbona INT, Ill.; MEA 2,100. *3,500—MRA.
From Shabbona INT, Ill.; to Sugar Grove INT, Ill.; MEA 2,100.
From Sugar Grove INT, Ill.; to Naperville, Ill., VOR; MEA 2,000.

Section 610.6009 *VOR Civil Airway 9* is amended to delete:

From Naperville, Ill., VOR; to Milwaukee, Wis., VOR; MEA 2,500.
From Naperville, Ill., VOR via W alter.; to Woodstock INT, Wis., via W alter.; MEA 2,200.
From Woodstock INT, Wis., via W alter.; to Milwaukee, Wis., VOR via W alter.; MEA 2,400.

Section 610.6009 *VOR Civil Airway 9* is amended by adding:

From Naperville, Ill., VOR; to Dundee INT Ill.; MEA 2,500.
From Dundee INT, Ill.; to Hebron INT, Ill.; MEA *2,500. *2,200—MOCA.
From Hebron INT, Ill.; to Milwaukee, Wis., VOR; MEA *2,500. *2,400 MOCA.
From Naperville, Ill., VOR via W alter.; to *Genoa INT, Ill., via W alter.; MEA 2,200. *2,600—MRA.
From Genoa INT, Ill., via W alter.; to Milwaukee, Wis., VOR via W alter.; MEA 2,600.

Section 610.6010 *VOR Civil Airway 10* is amended to read in part:

From Burlington, Iowa, VOR; to Bradford, Ill., VOR; MEA 2,100.

Section 610.6013 *VOR Civil Airway 13* is amended to read in part:

From Neosho, Mo., VOR; to *Nevada INT, Mo.; MEA 2,700. *3,000—MRA.
From Nevada INT, Mo.; to Butler, Mo., VOR; MEA 2,500.
From Neosho, Mo., VOR via W alter.; to Butler, Mo., VOR via W alter.; MEA 2,700.
From Mason City, Iowa; to Hope INT, Minn.; MEA *4,000. *2,800—MOCA.
From Hope INT, Minn.; to Lakeville INT, Minn.; MEA *4,000. *2,600—MOCA.
From Mason City, Iowa, VOR via W alter.; to *Prior INT, Minn., via W alter.; MEA **4,000. *4,000—MRA. **2,600—MOCA.

Section 610.6015 *VOR Civil Airway 15* is amended to read in part:

From Houston, Tex., VOR; to College Station, Tex., VOR; MEA *2,000. *1,800—MOCA.

Section 610.6018 *VOR Civil Airway 18* is amended to read in part:

From Meridian, Miss., VOR to Warrior INT, Ala.; MEA *3,500. *2,000—MOCA.
From Warrior INT, Ala.; to Abernant INT, Ala.; MEA *3,500. *1,700—MOCA.
From Abernant INT, Ala.; to Anniston, Ala., VOR; MEA 3,000.

Section 610.6019 *VOR Civil Airway 19* is amended by adding:

From Pueblo, Colo., VOR via E alter.; to Kiowa, Colo., VOR via E alter.; MEA 8,100.

Section 610.6026 *VOR Civil Airway 26* is amended to delete:

From Redwood Falls, Minn., VOR via S alter.; to *Prior INT, Minn., via S alter.; MEA **4,000. *4,000—MRA. **2,300—MOCA.
From Prior INT, Minn., via S alter.; to Minneapolis, Minn., VOR via S alter.; MEA 2,500.
From Minneapolis, Minn., VOR via S alter.; to Eau Claire, Wis., VOR via S alter.; MEA 2,800.

Section 610.6026 *VOR Civil Airway 26* is amended by adding:

From Redwood Falls, Minn., VOR via S alter.; to *Prior INT, Minn., via S alter.; MEA **4,000. *4,000—MRA. **2,300—MOCA.
From *Prior INT, Minn., via S alter.; to **Hastings INT, Minn., via S alter.; MEA ***10,500. *10,500—MCA Prior INT, eastbound and westbound. **5,000—MRA. ***2,200—MOCA.
From Hastings INT, Minn., via S alter.; to Martell INT, Wis., via S alter.; MEA *5,000. *2,400—MOCA.
From Martell INT, Wis., via S alter.; to Eau Claire, Wis., VOR via S alter.; MEA 2,600.

Section 610.6030 *VOR Civil Airway 30* is amended to read in part:

From *New Berlin INT, Wis., via S alter.; to ** Oakwood INT, Wis., via S alter.; MEA ***3,000. *3,500—MRA. **3,000—MRA. ***2,100—MOCA.
From Oakwood INT, Wis., via S alter.; to Racine INT, Wis., via S alter.; MEA *3,000. *2,000—MOCA.

Section 610.6038 *VOR Civil Airway 38* is amended to read in part:

From Iowa City, Iowa, VOR; to Buffalo INT, Iowa; MEA 2,100.
From Buffalo INT, Iowa; to *Annawan INT, Ill.; MEA **4,000. *4,000—MRA. **2,100—MOCA.
From Annawan INT, Ill.; to Triumph INT, Ill.; MEA *6,000. *2,000—MOCA.
From Triumph INT, Ill.; to Joliet, Ill., VOR; MEA 2,000.

Section 610.6047 *VOR Civil Airway 47* is amended to read in part:

From Cincinnati, Ohio, VOR; to Camden INT, Ohio; MEA 3,000.
From Camden INT, Ohio; to Englewood INT, Ohio; MEA 2,500.
From Englewood INT, Ohio; to Dayton, Ohio, VOR; MEA 2,300.

Section 610.6062 *VOR Civil Airway 62* is amended to read in part;

From Lubbock, Tex., VOR; to Spur INT, Tex.; MEA *5,700. *4,500—MOCA.
From Spur INT, Tex.; to Abilene, Tex., VOR; MEA *5,300. *3,600—MOCA.

Section 610.6063 *VOR Civil Airway 63* is amended to delete:

From Burlington, Iowa, VOR; to Moline, Ill., VOR; MEA 2,300.
From Moline, Ill., VOR; to Janesville, Wis., VOR via W alter.; MEA 2,200.
From Janesville, Wis., VOR via W alter.; to Milwaukee, Wis., VOR via W alter.; MEA 2,500.

Section 610.6063 *VOR Civil Airway 63* is amended by adding:

From Burlington, Iowa, VOR; to Buffalo INT, Iowa; MEA 2,300.
From Buffalo INT, Iowa; to *Charlotte INT, Iowa; MEA **2,500. *4,000—MCA Charlotte INT, northeastbound. **2,300—MOCA.
From Charlotte INT, Iowa; to Freeport INT, Ill.; MEA *4,000. *2,500—MOCA.
From Freeport INT, Ill.; to Janesville, Wis., VOR; MEA 2,500.

Section 610.6066 *VOR Civil Airway 66* is amended to read in part:

From *San Diego, Calif., VOR; to **El Centro, Calif., VOR; MEA 8,000. *3,000—MCA San Diego VOR, eastbound. **4,000—MCA El Centro VOR, westbound.
From Barrett Lake, Calif., FM; to Jamul, Calif., LF/RBN, westbound only; MEA 6,000.
From Jamul, Calif., LF/RBN; to San Diego, Calif., VOR, westbound only; MEA 4,500.

Section 610.6068 *VOR Civil Airway 68* is amended to read in part:

From Hobbs, N. Mex., VOR; to Pipe Line INT, Tex.; MEA 5,300. (Deletes MRA at Pipe Line INT.)

Section 610.6069 *VOR Civil Airway 69* is amended to read in part:

From Shreveport, La., VOR; to *Gordon INT, La.; MEA 1,600. *3,000—MRA.
From Gordon INT, La.; to El Dorado, Ark., VOR; MEA 1,600.

Section 610.6075 *VOR Civil Airway 75* is amended to delete:

From Flat Rock, Va., VOR; to Gordonsville, Va., VOR; MEA 2,000.

Section 610.6076 *VOR Civil Airway 76* is amended to read in part:

From Austin, Tex., VOR; to McDade INT, Tex.; MEA 2,000.
From McDade INT, Tex.; to Sealy INT, Tex.; MEA *3,500. *1,700—MOCA.

Section 610.6084 *VOR Civil Airway 84* is amended to delete:

From Bradford, Ill., VOR; to Joliet, Ill., VOR; MEA 2,000.
From Joliet, Ill., VOR; to Chicago Midway Arpt. Ill., TVOR; MEA 2,000.

Section 610.6084 *VOR Civil Airway 84* is amended to read in part:

From U. S. Canadian Border; to Buffalo, N. Y., VOR; MEA 2,300.

Section 610.6084 *VOR Civil Airway 84* is amended by adding:

From *Shabbona INT, Ill.; to Dundee INT, Ill.; MEA **3,500. *3,500—MRA. **2,200—MOCA.
From Dundee INT, Ill.; to Wheeling, Ill., VOR; MEA 2,200.

Section 610.6092 *VOR Civil Airway 92* is amended to read in part:

From Goshen, Ind., VOR; to Millersburg INT, Ind.; MEA 2,000.
From Millersburg INT, Ind.; to Bryan INT, Ohio; MEA 3,000.
From Millsboro INT, Pa.; to Uniontown, INT, Pa.; MEA 4,000.
From Uniontown INT, Pa.; to Grantsville, Md., VOR; 5,000.

Section 610.6092 *VOR Civil Airway 92* is amended by adding:

Joliet, Ill., VOR; to Chicago Heights, Ill., VOR; MEA 2,300.

Section 610.6093 *VOR Civil Airway 93* is amended to delete:

From Riverdale, Md., LF/RBN; to Baltimore, Md., VOR; MEA 1,600.

Section 610.6097 *VOR Civil Airway 97* is amended to delete:

From Chicago Heights, Ill., VOR; to City INT, Ill.; MEA 2,000.
From City INT, Ill.; to *Lake Forest INT, Ill. **3,000. *3,600—MRA. **2,500—MOCA.
From Lake Forest INT, Ill.; to Fox Lake INT, Ill.; MEA *3,600. *2,100—MOCA.
From Fox Lake INT, Ill.; to Woodstock INT, Ill.; MEA *2,500. *2,000—MOCA.
From Woodstock INT, Ill.; to Janesville, Wis., VOR; MEA 2,400.
From Janesville, Wis., VOR; to Lone Rock, Wis., VOR; MEA 3,100.
From Janesville, Wis., VOR via W alter.; to Argyle INT, Wis., via W alter.; MEA 2,200.
From Argyle INT, Wis., via W alter.; to Lone Rock, Wis., VOR via W alter.; MEA 2,400.

Section 610.6097 *VOR Civil Airway 97* is amended to read in part:

From Diamond Bluff INT, Wis.; to *Hastings INT, Minn.; MEA 2,400. *5,000—MRA.
From Hastings INT, Minn.; to Minneapolis, Minn., ILS loc.; MEA 2,400.

Section 610.6097 *VOR Civil Airway 97* is amended by adding:

From Hebron INT, Ill.; to Janesville, Wis., VOR; MEA 2,500.
From Janesville, Wis, VOR; to New Glarus INT, Wis.; MEA 2,200.
From New Glarus INT, Wis.; to Lone Rock, Wis., VOR; MEA 3,100.

Section 610.6099 *VOR Civil Airway 99* is amended to read in part:

From Newberg, Oreg., VOR; to Pittsburg INT, Oreg.; northbound, MEA 5,000; southbound, MEA 4,000.
From Pittsburg INT, Oreg.; to Winlock INT, Wash.; 5,000.
From Winlock INT, Wash.; to Olympia, Wash., VOR; northbound, MEA 4,000; southbound, MEA 5,000.

Section 610.6100 *VOR Civil Airway 100* is amended to read in part:

From Waterloo, Iowa, VOR; to Dubuque INT, Iowa; MEA *6,000. *3,100—MOCA.
From Dubuque INT, Iowa; to Polo, Ill., VOR; MEA *6,000. *2,500—MOCA.

Section 610.6100 *VOR Civil Airway 100* is amended by adding:

From Rockford, Ill., VOR; to Elgin INT, Ill.; MEA 2,500.
From Elgin INT, Ill.; to Wheeling, Ill., VOR; MEA 2,200.

Section 610.6103 *VOR Civil Airway 103* is amended by adding:

From Greensboro, N. C., VOR; to Roanoke, Va., TVOR; MEA 5,600.
From Price INT, Va.; to Greensboro, N. C., VOR; southbound only; MEA 3,000.
From Roanoke, Va., TVOR; to Covington INT, Va.; MEA 6,000.
From Covington INT, Va.; to Elkins, W. Va., VOR; MEA *10,000. *6,700—MOCA.

Section 610.6105 *VOR Civil Airway 105* is amended to read in part:

From Phoenix, Ariz., VOR; to Prescott, Ariz., VOR; MEA 10,000.
From Rock Springs INT, Ariz.; to Phoenix, Ariz., VOR, southeastbound only; MEA 8,500.

Section 610.6107 *VOR Civil Airway 107* is amended to delete:

From *Los Angeles, Calif., VOR; to Fillmore, Calif., VOR; MEA 5,000. *3,000—MCA Los Angeles, VOR, northwestbound.
From Shoreline INT, Calif.; to Los Angeles, Calif., VOR, southeastbound only; MEA 3,000.

Section 610.6107 *VOR Civil Airway 107* is amended by adding:

From Long Beach, Calif., VOR; to *Pt Dume INT, Calif.; MEA 3,000. *4,000—MCA Pt. Dume INT, westbound.
From Pt. Dume INT, Calif.; to *Fillmore, Calif., VOR; MEA 5,000. *9,000—MCA Fillmore VOR, northbound.

Section 610.6126 *VOR Civil Airway 126* is amended to read in part:

From Goshen, Ind., VOR; to Millersburg INT, Ind.; MEA 2,000.
From Millersburg INT, Ind.; to Bryan INT, Ohio; MEA 3,000.

Section 610.6129 *VOR Civil Airway 129* is amended to delete:

From Polo, Ill., VOR; to Argyle INT, Wis.; MEA 2,200.
From Argyle INT, Wis.; to Lone Rock, Wis., VOR; MEA 2,400.

Section 610.6129 *VOR Civil Airway 129* is amended by adding:

From Rockford, Ill., VOR; to *Freeport INT, Ill.; MEA 2,500. *4,000—MCA Freeport INT, northbound.
From Freeport INT, Ill.; to Lone Rock, Wis., VOR; MEA *4,000. *2,400—MOCA.

Section 610.6143 *VOR Civil Airway 143* is amended to read in part:

From Charlotte, N. C., VOR; to Bradley INT, N. C.; MEA *2,500. *2,300—MOCA. (Deletes MRA at Bradley INT.)

Section 610.6149 *VOR Civil Airway 149* is amended to read in part:

From Binghamton, N. Y., VOR; to *Georgetown INT, N. Y.; MEA 3,500. *4,500—MRA
From Georgetown INT, N. Y.; to Sherrill INT, N. Y.; MEA 3,500.

Section 610.6153 *VOR Civil Airway 153* is amended to read in part:

From Wilkes-Barre, Pa., VOR; to *Sidney INT, N. Y.; MEA 4,000. *4,500—MRA.
From Sidney INT, N. Y.; to *Georgetown INT, N. Y.; MEA **4,500. *4,500—MRA. **3,500—MOCA.
From Georgetown INT, N. Y.; to Syracuse, N. Y., VOR; MEA *4,500. *3,500—MOCA.

Section 610.6155 *VOR Civil Airway 155* is amended by adding:

From Raleigh, N. C., VOR; to Lawrenceville, Va., VOR; MEA 1,800.
From Lawrenceville, Va., VOR; to Flat Rock, Va., VOR; MEA 1,500.
From Flat Rock, Va., VOR; to Gordonsville, Va., VOR; MEA 2,000.

Section 610.6157 *VOR Civil Airway 157* is amended to read in part:

From Lawrenceville, Va., VOR; to Richmond, Va., LFR; MEA 1,500.

Section 610.6161 *VOR Civil Airway 161* is amended to read in part:

From Ft. Worth (Carter) ILS loc.; to Justin INT, Tex.; MEA *2,000. *1,900—MOCA.
From Justin INT, Tex.; to Fox INT, Tex.; MEA *2,500. *2,000—MOCA.
From Fox INT, Tex.; to Ardmore, Okla. VOR; MEA *2,500. *2,400—MOCA.
From Diamond Bluff INT, Wis.; to *Hastings INT, Minn.; MEA 2,400. *5,000—MRA.
From Hastings INT, Minn.; to Minneapolis, Minn., ILS loc.; MEA 2,400.

Section 610.6163 *VOR Civil Airway 163* is amended by adding:

From Ardmore, Okla., VOR; to Oklahoma City, Okla. VOR; MEA 2,700.

From Ardmore, Okla., VOR via E alter.; to Oklahoma City, Okla., VOR via E alter.; MEA *3,000. *2,700—MOCA.

Section 610.6163 *VOR Civil Airway 163* is amended to read in part:

From San Antonio, Tex., VOR; to Spring Branch INT, Tex.; MEA *2,700. *2,600—MOCA.
From *Mill INT, Tex.; to Mineral Wells, Tex., VOR; MEA 2,400. *3,500—MRA.

Section 610.6165 *VOR Civil Airway 165* is amended by adding:

From Alhambra INT, Calif.; to Long Beach, Calif., VOR, southbound only; MEA 3,000.

Section 610.6171 *VOR Civil Airway 171* is amended to delete:

From Joliet, Ill., VOR; to Sycamore INT, Ill.; MEA 2,000.
From Sycamore INT, Ill.; to Janesville, Wis. VOR; MEA 2,100.
From Janesville, Wis., VOR; to Mendota INT, Wis.; MEA 2,700.

Section 610.6171 *VOR Civil Airway 171* is amended by adding:

From Joliet, Ill., VOR; to Sycamore INT, Ill.; MEA 2,000.
From Sycamore INT, Ill.; to *Rockford, Ill. VOR; MEA 2,100. *2,500—MCA Rockford VOR, northwestbound.
From Rockford, Ill., VOR; to New Glarus INT, Wis.; MEA 2,500.
From New Glarus INT, Wis.; to Lone Rock, Wis. VOR; MEA 3,100.

Section 610.6172 *VOR Civil Airway 172* is amended to read:

From Des Moines, Iowa, VOR; to *Monroe INT, Iowa; MEA 2,200. *3,500—MRA.
From Monroe INT, Iowa; to Grinnell INT, Iowa; MEA 2,200.
From Grinnell INT, Iowa; to Cedar Rapids, Iowa, VOR; MEA 2,200.
From Cedar Rapids, Iowa, VOR; to Charlotte INT, Ill.; MEA *2,500. *2,200—MOCA.
From Charlotte INT, Ill.; to Polo, Ill., VOR; MEA 2,200.
From Polo, Ill., VOR; to Sycamore INT, Ill.; MEA 2,000.
From Sycamore INT, Ill.; to Chicago (O'Hare), Ill., TVOR; MEA 2,500.

Section 610.6173 *VOR Civil Airway 173* is amended to read in part:

From Roberts, Ill., VOR; to *Manteno INT, Ill.; MEA **2,500. *2,500—MRA. **2,000—MOCA.
From Manteno INT, Ill.; to Big Run INT, Ill.; MEA *2,500. *2,000—MOCA.
From Big Run INT, Ill.; to Chicago (Midway), Ill., TVOR; MEA 2,100.

Section 610.6177 *VOR Civil Airway 177* is amended to read:

From Naperville, Ill., VOR; to *Genoa INT, Ill.; MEA 2,200. *2,600—MRA.
From Genoa INT, Ill.; to Janesville, Wis., VOR; MEA 2,200.

Section 610.6187 *VOR Civil Airway 187* is amended to delete:

From Chicago Heights, Ill., VOR; to *Bull Head INT, Ill.; MEA 2,500. *2,500—MRA.
From Bull Head INT, Ill.; to *Papi INT, Ill.; MEA 2,500. *2,500—MRA.
From Papi INT, Ill.; to *Taylor INT, Wis.; MEA **4,500. *4,500—MCA Taylor INT, southbound. **2,000—MOCA.
From Taylor INT, Wis.; to Racine INT, Wis.; MEA *3,000. *2,000—MOCA.
From Racine INT, Wis.; to *New Berlin INT, Wis.; MEA **3,000. *3,500—MRA. **2,100—MOCA.
From New Berlin INT, Wis.; to Milwaukee, Wis. VOR; MEA 2,300.
From Chicago Heights, Ill., VOR via E alter.; to Beacon INT, Ill., via E alter.; MEA 2,000.
From Beacon INT, Ill., via E alter.; to *White Fish INT, Ill., via E alter.; MEA 2,500. *3,500—MRA.
From White Fish INT, Ill., via E alter.; to Taylor INT, Ill., via E alter.; MEA *3,500. *2,000—MRA.
From Taylor INT, Ill., via E alter.; to Racine INT, Wis., via E alter.; MEA *3,000. *2,000—MOCA.
From Racine INT, Wis., via E alter.; to *New Berlin INT, Wis., via E alter.; MEA **3,000. *3,500—MRA. **2,100—MOCA.
From New Berlin INT, Wis., via E alter.; to Milwaukee, Wis., VOR via E alter; MEA 2,300.

Section 610.6191 *VOR Civil Airway 191* is amended to read in part:

From Roberts, Ill., VOR; to *Manteno INT, Ill.; MEA **2,500. *2,500—MRA. **2,000—MOCA.
From Manteno INT, Ill.; to Big Run INT, Ill.; MEA *2,500. *2,000—MOCA.
From Big Run INT, Ill.; to Chicago (Midway), Ill., TVOR; MEA 2,100.
From Racine INT, Wis.; to *Oakwood INT, Wis.; MEA **3,000. *3,000—MRA. **2,100—MOCA.
From Oakwood INT, Wis.; to *New Berlin INT, Wis.; MEA **3,000. *3,500—MRA. **2,100—MOCA.

Section 610.6193 *VOR Civil Airway 193* is amended by adding:

From Ft. Wayne, Ind., VOR; to Millersburg INT, Ind.; MEA 2,300.
From Millersburg INT, Ind.; to Keeler, Mich., VOR; MEA 2,000.
From Keeler, Mich., VOR; to Pullman, Mich., VOR; MEA 2,100.

Section 610.6194 *VOR Civil Airway 194* is amended to read in part:

From Norwood INT, N. C.; to Highfalls INT, N. C.; MEA *3,500. *1,800—MOCA.
From Highfalls INT, N. C.; to Moncure INT, N. C.; MEA *1,800. *1,400—MOCA.

Section 610.6209 *VOR Civil Airway 209* is amended to read:

From Long Beach, Calif., VOR; to *Pt. Dume INT, Calif.; MEA 3,000. *4,000—MCA Pt. Dume INT, westbound.
From Pt. Dume INT, Calif.; to Fillmore, Calif., VOR; MEA 5,000.
From *Fillmore, Calif., VOR; to Reyes INT, Calif., southeastbound; MEA 9,000. northwestbound; MEA 12,500. *10,500—MCA Fillmore VOR, northwestbound.

Section 610.6217 *VOR Civil Airway 217* is amended to delete:

From Naperville, Ill., VOR; to *Lake Forest INT, Ill.; MEA **3,000. *3,600—MRA **2,500—MOCA.
From Lake Forest INT, Ill.; to *Bristol INT, Wis.; MEA **3,000. *3,000—MRA. **2,000—MOCA.
Bristol INT, Wis.; to Milwaukee, Wis. ILS loc.; MEA 2,000.

Section 610.6217 *VOR Civil Airway 217* is amended by adding:

From Chicago (O'Hare), Ill., TVOR; to Taylor INT, Wis.; MEA *3,000. *2,000—MOCA.
From Taylor INT, Wis.; to Racine INT, Wis.; MEA *3,000, *2,000—MOCA.
From Racine INT, Wis.; to *Oakwood INT, Wis.; MEA **3,000. *3,000—MRA. **2,100—MOCA.
From Oakwood INT, Wis.; to Milwaukee, Wis., ILS loc.; MEA 2,000.

Section 610.6218 *VOR Civil Airway 218* is amended to read in part:

From Sycamore INT, Ill.; to Naperville, Ill., VOR; MEA 2,000.

Section 610.6219 *VOR Civil Airway 219* is amended to delete:

From Janesville, Wis., VOR; to *New Berlin INT, Wis.; MEA **3,500. *3,500—MRA. **2,400—MOCA.

Section 610.6233 *VOR Civil Airway 233* is amended by adding:

From Moline, Ill., VOR; to Cedar Rapids, Iowa, VOR; MEA 2,200.

Section 610.6255 *VOR Civil Airway 255* is added to read:

From Burlington, Iowa, VOR; to Moline, Ill., VOR; MEA 2;300.
From Moline, Ill., VOR; to Thomson INT, Ill.; MEA 2,200.
From Thomson INT, Ill.; to Rockford, Ill., VOR; MEA 2,500.
From Rockford, Ill., VOR; to Janesville, Wis., VOR; MEA 2,500.

Section 610.6259 *VOR Civil Airway 259* is amended to read in part:

From Charlotte, N. C., VOR; to Maiden INT, N. C.; MEA 3,100.
From *Maiden INT, N. C.; to Tri-City, Tenn., VOR; MEA 8,000. *7,000—MCA Maiden INT, northwestbound.

Section 610.6262 *VOR Civil Airway 262* is added to read:

From Bradford, Ill., VOR; to Joliet, Ill., VOR; MEA 2,000.
From Joliet, Ill., VOR; to Chicago (Midway), Ill., TVOR; MEA 2,000.

Section 610.6264 *VOR Civil Airway 264* is added to read:

From *Ontario, Calif., VOR; to **Giant Rock INT, Calif.; MEA 14,000. *10,600—MCA Ontario VOR, eastbound. **14,000—MRA.

Section 610.6266 *VOR Civil Airway 266* is added to read:

From So. Boston, Va., VOR; to Lawrenceville, Va., VOR; MEA 1,800.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

These rules shall become effective March 14, 1957.

[SEAL] JAMES T. PYLE,
Administrator of Civil Aeronautics.

[F. R. Doc. 57-1120; Filed, Feb. 14, 1957; 8:45 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 662—CEMENT INDUSTRY IN PUERTO RICO

PART 700—CLAY AND CLAY PRODUCTS INDUSTRY IN PUERTO RICO

On December 7, 1956, pursuant to section 5 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), the Secretary of Labor by Administrative Order No. 472 (21 F. R. 9725) appointed, convened and gave notice of the hearings of Industry Committee No. 27-A for the Clay and

Clay Products Industry in Puerto Rico and Industry Committee No. 27–B for the Cement Industry in Puerto Rico, among others. Each of these Committees was directed to recommend the minimum rates of wages to be paid under section 6 (c) of the act to employees in its industry who are engaged in commerce or in the production of goods for commerce.

Subsequent to an investigation and a hearing, conducted pursuant to the notice, each Committee filed with the Administrator a report containing its findings with respect to the matters referred to it. Accordingly, as authorized and required by section 8 of the act and General Order No. 45–A of the Secretary (15 F. R. 3290), (1) the recommendations of these Committees are hereby published in the following amendments to the Code of Federal Regulations, and (2) effective March 3, 1957, Parts 700 and 662 of Title 29, Code of Federal Regulations, are hereby amended to read as follows:

Sec.
700.1 Definition of the industry.
700.2 Wage rates.
700.3 Notices.

AUTHORITY: §§ 700.1 to 700.3 issued under section 8, 52 Stat. 1064, as amended; 29 U. S. C. 208. Interpret or apply section 5, 52 Stat. 1064, as amended; 29 U. S. C. 205.

§ 700.1 *Definition of the industry.* The clay and clay products industry in Puerto Rico, to which this part shall apply, is defined as follows: The quarrying or other extraction of common clay, shale, kaolin, ball clay, fire clay and other types of clay; and the manufacture of structural clay products, china, pottery, tile, and other ceramic products and refractories.

§ 700.2 *Wage rates.* (a) Wages at a rate of not less than 55 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the clay and clay products industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce and who is engaged in the vitreous and semi-vitreous china food utensils classification, which is defined as the manufacture of vitreous and semi-vitreous china table and kitchen articles for use in households and hotels, restaurants and other commercial institutions, for preparing, serving or storing food or drink, except that this classification does not include products in the hand-made art pottery classification, as defined herein.

(b) Wages at a rate of not less than 40 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the clay and clay products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce and who is engaged in the hand-made art pottery classification, which is defined as the manufacture of hand-made art pottery.

(c) Wages at a rate of not less than $1.00 an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the clay and clay products industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce and who is engaged in the structural clay and miscellaneous clay products classification, which is defined as the manufacture of structural clap products, sanitary ware, and all other products included in the clay and clay products industry, as defined in this part, except those included in the vitreous and semi-vitreous china food utensils classification and the hand-made art pottery classification, as defined herein.

§ 700.3 *Notices.* Every employer subject to the provisions of § 700.2 shall post in a conspicuous place in each department of his establishment where employees subject to the provisions of § 700.2 are working such notices of this part as shall be prescribed from time to time by the Administrator of the Wage and Hour Division of the United States Department of Labor and shall give such other notice as the Administrator may prescribe.

PART 662—CEMENT INDUSTRY IN PUERTO RICO

Sec.
662.1 Definition of the industry.
662.2 Wage rate.
662.3 Notices.

AUTHORITY: §§ 662.1 to 662.3 issued under section 8, 52 Stat. 1064, as amended; 29 U. S. C. 208. Interpret or apply section 5, 52 Stat. 1064, as amended; 29 U. S. C. 205.

§ 662.1 *Definition of the industry.* The cement industry in Puerto Rico, to which this part shall apply, is defined as follows: The manufacture of hydraulic cement including the extraction of raw materials therefor.

§ 662.2 *Wage rate.* Wages at a rate of not less than $1.00 an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the cement industry in Puerto Rico, as defined in § 662.1, who is engaged in commerce or in the production of goods for commerce.

§ 662.3 *Notices.* Every employer subject to the provisions of § 662.2 shall post in a conspicuous place in each department of his establishment where employees subject to the provisions of § 662.2 are working such notices of this part as shall be prescribed from time to time by the Administrator of the Wage and Hour Division of the United States Department of Labor, and shall give such other notice as the Administrator may prescribe.

Signed at Washington, D. C. this 11th day of February 1957.

NEWELL BROWN,
Administrator,
Wage and Hour Division.

[F. R. Doc. 57–1203; Filed, Feb. 14, 1957; 8:53 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—VETERANS CLAIMS

INITIAL DETERMINATION AND ADJUDICATIVE ACTION

In § 3.123, the introductory paragraph preceding paragraph (a) is amended to read as follows:

§ 3.123 *Initial determinations and adjudicative action under section 31, Public Law 141, 73d Congress, as amended by section 12, Public Law 866, 76th Congress, and under paragraph 4, Part VII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12A).* Compensation will be payable only when it is determined that the disability or additional disability or death resulted from disease or injury, or an aggravation of an existing disease or injury, suffered as a result of training, hospitalization, medical or surgical treatment, or examination under authority of any of the laws granting monetary or other benefits to World War veterans. The term "hospitalization" as used in this section includes transportation of a patient who is being transported under the auspices, or by order of, the Veterans Administration to or from one of its hospitals (or between hospitals) whether by a Veterans Administration employee or by an agent or contractor engaged by the Veterans Administration. If the disability resulted from transportation while in a hospitalized status, compensation will be payable only where the injury or death proximately resulted from the carelessness, negligence, lack of proper skill, error in judgment, etc., of an employee of the Veterans Administration. The following principles will be observed:

* * * * *

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, 38 U. S. C. 11a, 426, 707. Interpret or apply sec. 31, 48 Stat 526, sec. 12, 54 Stat. 1197, sec. 2, 57 Stat. 43; 38 U. S. C. 501a, 501a–1, ch. 12A)

This regulation is effective February 15, 1957.

[SEAL] JOHN S. PATTERSON,
Deputy Administrator.

[F. R. Doc. 57–1199; Filed, Feb. 14, 1957; 8:53 a. m.]

PART 4—DEPENDENTS AND BENEFICIARIES CLAIMS

DEPENDENCY AND INDEMNITY COMPENSATION

Immediately following § 4.421, a new centerhead and §§ 4.430 through 4.436 are added as follows:

BASIC REQUIREMENTS

§ 4.430 *Service-connected deaths on or after January 1, 1957.* Dependency and indemnity compensation is payable upon application therefor, to the widow, children, and parents of a person who dies on or after January 1, 1957:

(a) From disease or injury incurred or aggravated in line of duty while on

active duty or active duty for training; or

(b) From injury incurred or aggravated in line of duty while on inactive duty training; or

(c) From a disability compensable under laws administered by the Veterans Administration.

(Sec. 201, Pub. Law 881, 84th Cong.)

§ 4.431 *Claims*—(a) *General.* Except as provided in paragraphs (c) and (d) (1) of this section, a specific claim on the form prescribed by the Administrator of Veterans Affairs (VA Form VB 8–534 or VB 8–535) must be filed by the widow, child, mother, or father applying for dependency and indemnity compensation or by the claimant for accrued benefits. A claim for dependency and indemnity compensation filed by the widow, child, or parent will also be considered as a claim for any accrued compensation or pension due. See paragraph (d) of this section as to claim for child.

(b) *Informal claims.* An informal claim may be accepted subject to the requirements of § 3.27 of this chapter.

(c) *Claims filed with Social Security Administration.* An application on VA Form VB 8–4182 filed on or after January 1, 1957, with the Social Security Administration shall be considered a claim for dependency and indemnity compensation and to have been received in the Veterans Administration as of the date of receipt in the Social Security Administration. The receipt of such an application (or copy thereof) received in the Veterans Administration shall not preclude a request for any necessary evidence on VA Form VB 8–534 or VB 8–535 or otherwise. (Sec. 601, Pub. Law 881, 84th Cong.)

(d) *Claim for child.* (1) Where a child's entitlement to dependency and indemnity compensation arises by reason of termination of a widow's right to dependency and indemnity compensation, or by reason of attaining the age of 18 years, a claim will be required. See § 4.445 (a) (3) and (d) (1). (Sec. 209 (a), Pub. Law 881, 84th Cong.) The claim may consist of a statement in writing showing an intent to file claim for dependency and indemnity compensation or VA Form VB 8–4183 signed by the child or some person acting as next friend. If claim is made by a statement in writing and VA Form VB 8–4183 is considered necessary, the executed form will be considered evidence required to complete the claim. Where the award to the widow is terminated by reason of her death, a claim for the child which meets the requirements of this subparagraph will be considered a claim for any accrued dependency and indemnity compensation which may be payable.

(2) A claim filed by a widow who does not herself have title will be accepted as a claim for a child or children in her custody named in the claim. In such cases, if a determination of the widow's entitlement will be unduly delayed, and the child or children are in need and their entitlement is established, dependency and indemnity compensation shall be payable to the child or children at the rates specified where there is no widow: *Provided, however,* That if the total rate payable for children where there is no widow is greater than the rate which would be payable to the widow if entitlement were established, the award of dependency and indemnity compensation for the children shall not exceed the rate payable if there were a widow.

(3) When the claim of a widow is disallowed, including disallowance for failure to furnish evidence, and evidence adequate to establish entitlement of a child or children who were named in the widow's claim is furnished within 1 year from the date of request (requested either prior or subsequent to the disallowance of the widow's claim), the award for the child or children will be made as if the disallowed claim had been filed solely on their behalf; otherwise, payments may not be made for the child or children for any period prior to the date of receipt of a new claim (formal or informal).

(e) *Furnishing claim forms*—(1) *General.* Upon receipt of notice of death of a veteran, the appropriate application blank (VA Form VB 8–534 or VB 8–535) will be forwarded for execution by or on behalf of any dependent who has apparent entitlement to dependency and indemnity compensation. If the potential claim involves establishment of foster parentage, VA Form 8–524 will also be sent. If it is not indicated that any person would be entitled to receive dependency and indemnity compensation, but there is payable accrued disability compensation, disability pension, retirement pay, subsistence allowance, readjustment allowance, or education and training allowance, not paid during the veteran's lifetime, VA Form 8–614 or, where appropriate, VA Form VB 8–551, will be forwarded to the preferred claimant.

(2) *Death due to hospital treatment, etc.* The provisions of § 4.0 (b) (3) are applicable.

(3) *Child.* Where it is apparent that a child may be entitled to dependency and indemnity compensation in its own right following termination of a widow's entitlement (e. g., by remarriage or death) or because the child has attained the age of 18 years, and a written statement constituting a claim has not been filed, VA Form VB 8–4183 will be forwarded for execution by or on behalf of any child of record at the latest address shown in the file. The letter transmitting the application will contain notice that unless a claim is filed within 1 year from the date of the contingency on which the child's entitlement is based dependency and indemnity compensation may not be paid for any period prior to date of receipt of claim.

(f) *New and material evidence.* New and material evidence relating to the same factual basis as that of a finally disallowed claim for dependency and indemnity compensation shall be accepted as a claim in determining the commencing date of an award when such evidence or accompanying communication meets the requirements of an informal claim, except that when such new and material evidence results from the correction of the military or naval records of the proper service department by a board for correction of military (or naval) records under section 207 of the Legislative Reorganization Act of 1946, the commencing date of an award of dependency and indemnity compensation shall be the date on which such application was filed with the service department, subject to the requirements of § 4.445 (g).

(Sec. 501 (u), Pub. Law 881, 84th Cong.)

§ 4.431a *Evidence filed with or required by Social Security Administration.* (a) Evidence received in the Social Security Administration support of a claim filed on or after January 1, 1957, for benefits under Title II of the Social Security Act will be considered to have been received in the Veterans Administration as of the date of receipt in Social Security Administration. Where such evidence is needed in a claim for dependency and indemnity compensation, a copy of such evidence (or certification thereof) will be requested from Social Security Administration.

(b) A copy (or certification) of evidence filed in the Veterans Administration in support of a claim for dependency and indemnity compensation will be furnished Social Security Administration upon request from that agency.

(Sec. 601, Pub. Law 881, 84th Cong.)

§ 4.432 *Time limits*—(a) *Notice of time limit for filing evidence.* In the event the claimant's application is not complete at the time of original submission, the Veterans Administration will notify the claimant of the evidence necessary to complete the application and, if such evidence is not received within 1 year from the date of request therefor, dependency and indemnity compensation may not be paid by virtue of that application (par. 1 (a) (2), Part I, Veterans Regulations 2 (d) (38 U. S. C. ch. 12A) and sec. 209 (a) Pub. Law 881, 84th Cong.).

(b) *Failure to furnish claim or notice of time limit.* Failure to furnish a potential claimant any form or information concerning the right to file claim for dependency and indemnity compensation, or to furnish notice of the time limit for the submission of evidence, or to furnish notice of the time limit for the filing of an appeal will not extend the period allowed for these actions.

(c) *Computation of time limit.* In computing the time limit for the filing of claims or evidence requested by the Veterans Administration, the first day of the specified period will be excluded and the last day included. This rule will be applicable in cases in which the time limit expires on a workday. Where, under this rule, the time limit would expire on a nonworkday, the next succeeding workday will be included in the computation.

CROSS REFERENCE: *Appeals.* See §§ 3.328 to 3.333 of this chapter.

§ 4.433 *Service requirements.* Dependency and indemnity compensation is payable under Title II, Public Law 881, 84th Congress, based on service rendered by a "member of a uniformed service" as defined in this section. This definition

is applicable where death occurs on or after January 1, 1957, regardless of the dates when service was rendered.

(a) The term "member of a uniformed service" means a person appointed, enlisted, or inducted in a component of the Army, Navy, Air Force, Marine Corps, or Coast Guard (including a reserve component of a uniformed service), or in one of those services without specification of component, or as a commissioned officer of the Coast and Geodetic Survey or the Regular or Reserve Corps of the Public Health Service, and any person serving in the Army or Air Force under call or conscription. The term includes:

(1) A retired member of any of those services;

(2) A member of the Fleet Reserve or Fleet Marine Corps Reserve;

(3) A cadet at the United States Military Academy, a midshipman at the United States Naval Academy, and a cadet at the United States Coast Guard Academy or United States Air Force Academy;

(4) A member of the Reserve Officers' Training Corps, the Naval Reserve Officers' Training Corps, or the Air Force Reserve Officers' Training Corps, when ordered to annual training duty for 14 days or more, and while performing authorized travel to and from that duty; and

(5) Any person who suffers an injury or disease resulting in death while en route to or from, or at, a place for final acceptance or for entry upon active duty in the military or naval service:

(i) Who has been provisionally accepted for such duty; or

(ii) Who, under the Universal Military Training and Service Act, has been selected for active military or naval service; and has been ordered or directed to proceed to such place. The criteria contained in § 3.1 (n) (2) (ii) of this chapter are applicable.

The term does not include a temporary member of the Coast Guard Reserve. (Sec. 102 (2) and 102 (11) (E), Pub. Law 881, 84th Cong.)

(b) "Reserve component of a uniformed service" means:

(1) The Army Reserve,

(2) The Naval Reserve,

(3) The Marine Corps Reserve,

(4) The Air Force Reserve;

(5) The Coast Guard Reserve,

(6) The Reserve Corps of the Public Health Service,

(7) The National Guard of the United States, and

(8) The Air National Guard of the United States.

(Sec. 102 (3), Pub. Law 881, 84th Cong.)

§ 4.434 *Definitions of duty*—(a) *Active duty.* (1) Active duty means:

(i) Full-time duty performed by a member of a uniformed service in the active military or naval service, other than active duty for training,

(ii) Full-time duty as a commissioned officer in the Coast and Geodetic Survey, or in the Regular Corps of the Public Health Service, or in the Reserve Corps of the Public Health Service (other than for training purposes),

(iii) Service as a cadet at the United States Military, Air Force, or Coast Guard Academy, or as a midshipman at the United States Naval Academy, and

(iv) Authorized travel to or from such duty or service.

(Sec. 102 (4), Pub. Law 881, 84th Cong.)

(2) Where an individual is discharged or released on or after January 1, 1957, from a period of active duty, such individual shall be deemed to continue on active duty during the period of time immediately following the date of such discharge or release determined by the Secretary concerned to be required for him to proceed to his home by the most direct route, and in any event, until midnight of the date of such discharge or release (sec. 102 (12), Pub. Law 881, 84th Cong.).

(3) Any person described in § 4.433 (a) (5) who suffers an injury or disease resulting in death while en route to or from, or at, a place for final acceptance or entry upon active duty in the military or naval service shall be deemed to be on active duty when such incident occurs.

(b) *Active duty for training.* Active duty for training means:

(1) Full-time duty performed by a member of a reserve component of a uniformed service in the active military or naval service of the United States for training purposes,

(2) Full-time duty as a commissioned officer in the Reserve Corps of the Public Health Service for training purposes,

(3) Annual training duty performed for a period of 14 days or more by a member of the Reserve Officers' Training Corps, the Naval Reserve Officers' Training Corps, or the Air Force Reserve Officers' Training Corps, and

(4) Authorized travel to or from such duty.

The term does not include duty performed as a temporary member of the Coast Guard Reserve (sec. 102 (5), Pub. Law 881, 84th Cong.).

(c) *Inactive duty training.* Inactive duty training means any of the training, instruction, duty, appropriate duties, or equivalent training, instruction, duty, appropriate duties, or hazardous duty, performed with or without compensation by a member of a reserve component of a uniformed service prescribed by the appropriate Secretary pursuant to section 501 of the Career Compensation Act of 1949 or any other provision of law. The term does not include:

(1) Work or study performed by a member of a reserve component of a uniformed service in connection with correspondence courses of the Army, Navy, Air Force, Marine Corps, Coast Guard, or Public Health Service.

(2) Attendance at an educational institution in an inactive status under the sponsorship of the Army, Navy, Air Force, Marine Corps, Coast Guard, or Public Health Service, or

(3) Duty performed as a temporary member of the Coast Guard Reserve.

(Sec. 102 (6) (A), Pub. Law 881, 84th Cong.)

(d) *Travel status; training duty (death from injury incurred on or after January 1, 1957).* Any member of a reserve component of a uniformed service:

(1) Who, when authorized or required by competent authority, assumes an obligation to perform active duty for training or inactive duty training; and

(2) Who dies from an injury incurred on or after January 1, 1957, by him while proceeding directly to or returning directly from such active duty for training or inactive duty training, as the case may be;

shall be deemed to have been on active duty for training or inactive duty training, as the case may be. For the purposes of Title II, Public Law 881, 84th Congress, and section 303 of that act, the Veterans Administration will determine whether such member of a reserve component of a uniformed service was so authorized or required to perform such duty, and whether he died from injury so incurred. In making such determinations, there shall be taken into consideration the hour on which the member of a reserve component of a uniformed service began to so proceed or so return; the hour on which he was scheduled to arrive for, or on which he ceased to perform, such duty; the method of travel employed; his itinerary; the manner in which the travel was performed; and the immediate cause of death. Whenever any claim is filed alleging that the claimant is entitled to benefits by reason of this paragraph, the burden of proof shall be upon the claimant (sec. 102 (6) (B), Pub. Law 881, 84th Cong.).

(e) *National Guard.* A member of the National Guard or Air National Guard of the several States, Territories, or the District of Columbia, when performing training or duty under sections 92, 94, 97, 99, or 113 of the National Defense Act of June 3, 1916, as amended, shall, for the purpose of benefits provided, be considered a member of a reserve component of a uniformed service, and training or duty performed by such a member under those sections of that act shall be considered "active duty for training," or "inactive duty training," as appropriate (sec. 102 (6) (C), Pub. Law 881, 84th Cong.).

§ 4.435 *Character of discharge.* Dependency and indemnity compensation is not payable to the widow, children, or parents of any deceased person who died on or after January 1, 1957, after separation from service unless the deceased person was discharged or released from service under conditions other than dishonorable. See § 3.64 of this chapter as to determination of character of discharge (sec. 209 (c), Pub. Law 881, 84th Cong.).

§ 4.436 *Service connection and line of duty criteria.* The standards and criteria for determining incurrence or aggravation of a disease or injury in line of duty shall be those applicable under disability and death compensation laws administered by the Veterans Administration (sec. 207, Pub. Law 881, 84th Cong.).

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707. Interpret or apply sec. 209, Pub. Law 881, 84th Cong.)

This regulation is effective February 15, 1957.

[SEAL] JOHN S. PATTERSON,
Deputy Administrator.

[F. R. Doc. 57-1200; Filed, Feb. 14, 1957; 8:53 a. m.]

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

PART 72—INTERSTATE QUARANTINE

SHIPMENT OF ETIOLOGIC AGENTS

Notice of proposed rule making having been published in the FEDERAL REGISTER on December 18, 1956 (21 F. R. 10015), and consideration having been given to all relevant matters presented, the amendment to this part set out below is hereby adopted. Such amendment shall become effective 30 days following publication in the FEDERAL REGISTER.

Subpart C—Shipment of Certain Things is amended by adding the following new section:

§ 72.25 *Etiologic agents.* (a) (1) For the purpose of this section, etiologic agent is defined as the causative agent of the following diseases and such others as may be prescribed from time to time by the Surgeon General: Anthrax, botulism, brucellosis, cholera, Colorado tick fever, Coxsackie diseases, diphtheria, encephalitis (arthropod-borne), glanders, leptospirosis, lymphocytic choriomeningitis, melioidosis, meningococcal meningitis, paratyphoid fever, plague, poliomyelitis, Q fever, rabies, relapsing fever, rickettsialpox, Rift Valley fever, Rocky Mountain spotted fever, schistosomiasis, scrub typhus, smallpox, tetanus, tuberculosis, tularemia, typhoid fever, typhus fever, and yellow fever.

(2) The provisions of this section shall not apply to specimens transmitted to laboratories for diagnostic purposes or to finished biological products for human or veterinary use bearing the U. S. Government license number of the manufacturer.

(b) A person shall not knowingly transport or cause to be transported in interstate traffic any etiologic agent unless:

(1) In the case of fluid materials or solid materials other than frozen, the containers of the etiologic agent are watertight and airtight and are enclosed in a second durable watertight and airtight container with the intervening space provided with sufficient absorbent material so placed as to absorb the entire contents in case of breakage, and each such double container is individually enclosed in a shipping container constructed of corrugated cardboard, fiber glass, wood, or other material of equivalent strength.

(2) In the case of frozen materials, the containers of the etiologic agent are watertight and airtight and are enclosed in a second durable watertight and airtight container or surrounded by sufficient absorbent material to absorb the contents in case of breakage; the package contains enough dry ice and sufficient insulation material to insure that the material will remain frozen for at least 24 hours longer than the expected time of delivery of the shipment to the consignee; and the container with its immediate surrounding material, dry ice and insulation is enclosed in a shipping container constructed of corrugated cardboard, fibre glass, wood, or other material of equivalent strength.

(3) (i) The total contents of a shipping container do not exceed one U. S. gallon.

(ii) All containers and closures are so designed and constructed of such materials that they are capable of withstanding without rupture or leakage of contents, all shocks, pressure changes, or other conditions ordinarily incident to transportation handling.

(4) The shipping documents and the manifest accompanying the shipment include statements that the shipment contains infectious material and identifies the etiologic agent involved. The shipment itself shall be appropriately labeled.

(5) The requirements of this paragraph are in addition to and not in lieu of any other packaging or labeling requirements for the interstate shipment of etiologic agents established by the Interstate Commerce Commission and Civil Aeronautics Board.

(c) In event of leakage or other indication of escape of an etiologic agent from a container in interstate traffic, the operator or person in charge of the conveyance or the premises where the leakage or escape occurs shall:

(1) Immediately notify the Surgeon General or his authorized representative.

(2) (i) If leakage or escape occurs on a conveyance, remove the conveyance from service and isolate it as soon as possible. Isolate the affected area until such time as the conveyance can be removed from service.

(ii) If leakage or escape occurs at a terminal, transfer point, or other location not on a conveyance, isolate the area known to be or suspected of being contaminated.

(3) Prevent removal of any luggage, cargo, or other items from the affected area or conveyance unless such removal is necessary for purposes of safety or the preservation of life, health, or property.

(4) Inform all passengers, carrier employees and other persons who were or may have been exposed to contamination or infection, of the hazards thereof and request that such persons remain isolated until appropriate measures can be taken to prevent the transmission of disease. In event any such person departs before appropriate decontamination procedures have been applied, notify the State or local health authorities having jurisdiction.

(5) Obtain names, home addresses and addresses of destination of all persons who may have been exposed to contamination or infection.

(6) Apply appropriate decontamination procedures and other measures as specified by the Surgeon General or his authorized representative.

(7) Except when necessary for purposes of safety or the preservation of life, health or property, or for purposes of decontamination, prevent persons from boarding the conveyance or entering the area until clearance is obtained from the Surgeon General or his authorized representative.

(d) Isolation of the conveyance or affected areas shall be continued pending completion of measures prescribed by the Surgeon General for preventing the spread of disease and until such time as clearance is obtained from the Surgeon General or his authorized representative.

(e) In the event of loss of a shipment of etiologic agents in transit, the carrier shall immediately notify the Surgeon General or his duly authorized representative of such loss and provide him with all available information concerning the nature of the shipment, circumstances surrounding its loss and such other information as he may require.

(Sec. 215, 58 Stat. 690; 42 U. S. C. 216. Interprets or applies sec. 361, 58 Stat. 703, 42 U. S. C. 264)

Dated: February 4, 1957.

[SEAL] L. E. BURNEY,
Surgeon General.

Approved: February 12, 1957.

M. B. FOLSOM,
Secretary.

[F. R. Doc. 57-1202; Filed, Feb. 14, 1957; 8:53 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Part 225]

WAREHOUSING OF DISTILLED SPIRITS

CONSOLIDATION OF PACKAGED SPIRITS

Correction

In Federal Register Document 57-833, appearing at page 721 of the issue for Tuesday, February 5, 1957, the following change should be made: The section referred to in paragraph 42 should read "225.1111".

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[7 CFR Part 301]

NORTH CAROLINA, SOUTH CAROLINA

NOTICE OF RESUMPTION OF PUBLIC HEARING ON QUARANTINING ON ACCOUNT OF DANGEROUS DISEASE OF CORN AND OTHER CROPS

On January 16, 1957, there was published in the FEDERAL REGISTER (22 F. R. 319) a notice of a public hearing to be held at Washington, D. C., on January 30, 1957, to consider a proposal, under

section 8 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161), to quarantine the States of North Carolina and South Carolina because of the occurrence therein of a dangerous disease of corn and other crops caused by an introduced species of the genus Striga, commonly known as witchweed, and to restrict or prohibit the movement from said States, or from any locations therein designated as infected of (1) witchweed seeds and plants (Striga spp.); (2) soil as such or attached to articles or things; (3) hay; (4) nursery stock and other plants with roots attached; (5) bulbs, corms, tubers, and rhizomes; (6) root crops, the edible parts of which are grown underground; (7) used farm machinery and equipment; (8) construction and maintenance equipment; (9) trucks, wagons, cars, boats, and other means of conveyance; (10) used crates, boxes, bags, and other farm products containers; and (11) other articles of any character whatsoever that present a hazard of spread of witchweed.

A public hearing was begun on January 30, 1957, as aforesaid, and after the introduction of testimony recessed until further notice, in order to permit interested parties to present additional statements.

Notice is hereby given that said public hearing will be resumed before a representative of the Agricultural Research Service in Room 3106, South Agricultural Building, U. S. Department of Agriculture, 12th Street and Independence Avenue, SW., Washington, D. C., at 10:30 a. m., March 5, 1957, at which time any interested person may appear and be heard, either in person or by attorney, on the aforesaid proposal. Any interested person who desires to submit any additional written data, views, or arguments on the proposal may do so by filing the same with the Chief of the Plant Pest Control Branch, Agricultural Research Service, U. S. Department of Agriculture, Washington 25, D. C., on or before March 5, 1957, or with the presiding officer at the hearing.

Done at Washington, D. C., this 12th day of February 1957.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 57-1215; Filed, Feb. 14, 1957; 8:55 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 130]

DRUGS EXEMPTED FROM PRESCRIPTION-DISPENSING REQUIREMENTS OF SECTION 503 (b) (1) (C) OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

NOTICE OF PROPOSED RULE MAKING

Notice is given that the Commissioner of Food and Drugs, in accordance with the Federal Food, Drug, and Cosmetic Act (secs. 503 (b) (3), 505 (c), 701 (a); 65 Stat. 649, 52 Stat. 1052, 1055; 21 U. S. C. 353 (b) (3), 355 (c), 371 (a)) and the authority delegated to him by the Secretary of Health, Education, and Welfare (21 CFR 130.101 (b); 21 F. R. 5576) hereby offers an opportunity to all interested persons to submit their views in writing to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., within 30 days from the date of publication of this notice in the FEDERAL REGISTER on the proposed amendment set forth below:

It is proposed to amend paragraph (a) of § 130.102 *Exemption for certain drugs limited by new-drug applications to prescription sale* by adding the following new subparagraph:

(__) Neomycin sulfate preparations meeting all the following conditions:

(i) The neomycin sulfate is prepared with appropriate amounts of a suitable local anesthetic and with or without other drugs in a dosage form suitable for oral use in self-medication as a troche.

(ii) The neomycin sulfate and all other components of the preparation meet their professed standards of identity, strength, quality, and purity.

(iii) If the preparation is a new drug, an application pursuant to section 505 (b) of the act is effective for it.

(iv) The neomycin sulfate content does not exceed the equivalent of 5 milligrams of standard neomycin base per troche.

(v) The preparation is labeled with adequate directions for use in minor conditions in which it may be safely used without medical supervision.

(vi) The dosages recommended or suggested in the labeling provide for the use of not more than the equivalent of 5 milligrams of standard neomycin base every 3 hours for not more than 2 days.

(vii) The labeling bears, in juxtaposition with the dosage recommendations, clear warning statements against:

(*a*) Continued use if irritation persists or increases, unless directed by a physician.

(*b*) Use in the presence of fever, headache, nausea, or vomiting, unless directed by a physician, since these usually indicate a serious condition.

(*c*) Use for more than 2 days, unless directed by a physician.

The proposed amendment will remove the drugs mentioned therein from the prescription-dispensing requirements of the Federal Food, Drug, and Cosmetic Act (sec. 503 (b) (1) (C), 52 Stat. 1052, 65 Stat. 649; 21 U. S. C. 353 (b) (1) (C)). These drugs were previously limited by their new-drug applications to use under professional supervision because the scientific data establishing the toxic potential of the drugs and their intended use showed only that they were safe if used under professional supervision.

Pursuant to the regulations in § 130.101 (b) of this chapter (21 CFR 130.101 (b)), a petition has been submitted to remove the prescription restrictions from these drugs. Evidence now available through investigation and marketing experience shows that the drugs can be safely used by the laity in self-medication if they are used in accordance with the proposed labeling. The restriction to prescription sale is no longer necessary for the protection of the public health.

This action in removing the prior restriction limiting these drugs to prescription sale is taken under the authority of the Federal Food, Drug, and Cosmetic Act (secs. 503 (b) (3), 505 (c), 52 Stat. 1052, 65 Stat. 649; 21 U. S. C. 353 (b) (3), 355 (c)), which provides for and requires the removal of such restrictions if they are not necessary for the protection of the public health.

Dated: February 8, 1957.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner,
of Food and Drugs.

[F. R. Doc. 57-1178; Filed, Feb. 14, 1957; 8:49 a. m.]

[21 CFR Part 130]

DRUGS EXEMPTED FROM PRESCRIPTION-DISPENSING REQUIREMENTS OF SECTION 503 (b) (1) (C) OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

NOTICE OF PROPOSED RULE MAKING

Notice is given that the Commissioner of Food and Drugs, in accordance with the Federal Food, Drug, and Cosmetic Act (secs. 503 (b) (3), 505 (c), 701 (a); 65 Stat. 649, 52 Stat. 1052, 1055; 21 U. S. C. 353 (b) (3), 355 (c), 371 (a)) and the authority delegated to him by the Secretary of Health, Education, and Welfare (21 CFR 130.101 (b); 21 F. R. 5576) hereby offers an opportunity to all interested persons to submit their views in writing to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., within 30 days from the date of publication of this notice in the FEDERAL REGISTER on the proposed amendment set forth below:

It is proposed to amend paragraph (a) of § 130.102 *Exemption for certain drugs limited by new-drug applications to prescription sale* by adding the following new subparagraph:

(16) Tuaminoheptane sulfate (2-aminoheptane sulfate) preparations meeting all the following conditions:

(i) The tuaminoheptane sulfate is prepared, with or without other drugs, in an aqueous vehicle suitable for administration in self-medication as nose drops, and containing no drug limited to prescription sale under the provisions of section 503 (b) (1) of the act.

(ii) The preparation is packaged with a style of container or assembly suited to self-medication by the recommended route of administration, and delivering not more than 0.1 milliliter of the preparation per drop.

(iii) The tuaminoheptane sulfate and all other components of the preparation met their professed standards of identity, strength, quality, and purity.

(iv) if the preparation is a new drug, an application pursuant to section 505 (b) of the act is effective for it.

(v) The tuaminoheptane sulfate content of the preparation does not exceed 10 milligrams per milliliter.

(vi) The preparation is labeled with adequate directions for use in the temporary relief of nasal congestion.

(vii) the dosages recommended or suggested in the directions for use do not exceed the equivalent: For adults, 5 drops of a 1 percent solution per nostril per dose, and 5 doses in a 24-hour period; for children 1 to 6 years of age, 3 drops of a 1 percent solution per nostril per dose, and 5 doses in a 24-hour period; for infants under 1 year of age, 2 drops of a 1 percent solution per nostril per dose, and 5 doses in a 24-hour period.

(viii) the labeling bears, in juxtaposition with the dosage recommendations:

(*a*) Clear warning statements against use of more than 5 doses daily, and against use longer than 4 days unless directed by a physician.

(*b*) A clear warning statement to the effect that frequent use may cause nervousness or sleeplessness, and that individuals with high blood pressure, heart disease, diabetes, or thyroid disease should not use the preparation unless directed by a physician.

The proposed amendment will remove the drug mentioned therein from the prescription-dispensing requirements of the Federal Food, Drug, and Cosmetic Act (secs. 503 (b) (1) (C), 52 Stat. 1052, 65 Stat. 649; 21 U. S. C. 353 (b) (1) (C)). The drug was previously limited by a new-drug application to use under professional supervision because the scientific data establishing the toxic potential of the drug and its intended use showed only that it was safe if used under professional supervision.

Pursuant to the regulations in § 130.101 (b) (21 CFR 130.101 (b); 21 F. R. 5577), a petition has been submitted to remove the prescription restrictions from this drug. Evidence now available through investigation and marketing experience shows that the drug can be safely used by the laity in self-medication if it is used in accordance with the proposed labeling. The restriction to prescription sale is no longer necessary for the protection of the public health.

This action in removing the prior restriction limiting the drug to prescription sale is taken under the authority of the Federal Food, Drug, and Cosmetic Act (secs. 503 (b) (3), 505 (c), 52 Stat. 1052, 65 Stat. 649; 21 U. S. C. 353 (b) (3), 355 (c), which provides for and requires the removal of such restrictions if they are not necessary for the protection of the public health.

Dated: February 11, 1957.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F. R. Doc. 57-1201; Filed, Feb. 14, 1957; 8:53 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 11897; FCC 57-125]

TELEVISION BROADCAST STATIONS, TABLE OF ASSIGNMENTS; CHATTANOOGA, TENN.-ROME, GA.

ORDER EXTENDING TIME FOR FILING COMMENTS

In the matter of amendment of § 3.606, Table of Assignments, Television Broadcast Stations (Chattanooga, Tenn.-Rome, Ga.).

1. At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 6th day of February 1957;

2. The Commission has before it for consideration a petition filed February 1, 1957 by James H. Scarborough requesting the Commission to extend the time for filing comments in the above-entitled proceeding for a period of 30 days.

3. In support of his request petitioner alleges that as an individual and as Manager of the Chamber of Commerce of the City of Rome, Georgia, he is vitally interested in the retention and continuance of a local television station in Rome, that pursuant to a request by the Chamber of Commerce he has undertaken to ascertain by appropriate engineering studies and surveys whether methods can be found for assuring continued operation of a local Rome station and that it has been impossible to complete the necessary studies within the time allowed for filing comments in this proceeding.

4. The Commission is of the view that the public interest, convenience and necessity would be served by extending the time for filing comments in this proceeding.

5. In view of the foregoing: *It is ordered,* That the time for filing comments in the above-entitled proceeding is extended from February 1, 1957 to March 4, 1957, with replies thereto due 10 days thereafter.

Adopted: February 6, 1957.

Released: February 11, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-1204; Filed, Feb. 14, 1957; 8:53 a. m.]

NOTICES

DEPARTMENT OF COMMERCE

Federal Maritime Board

MID BRAZIL/UNITED STATES-CANADA FREIGHT CONFERENCE

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, 39 Stat. 733, 46 U. S. C. 814:

Agreement No. 7630-4, between the member lines of the Mid Brazil/United States-Canada Freight Conference, modifies the basic conference agreement (No. 7630, as amended) (1) to provide that the failure of a member line to have a sailing for a period of six (6) or more consecutive months, instead of three (3) months as presently provided, shall be regarded as suspension of service for the purpose of determining the right to vote; (2) to provide that the sailing of a vessel of a member line shall constitute resumption of service for restoration of voting rights; and (3) to delete from the agreement the proviso that the Article dealing with the loss of voting rights shall not be effective until after the termination of the national emergency proclaimed by the President under the date of May 27, 1941.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: February 11, 1957.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F. R. Doc. 57-1154; Filed, Feb. 14, 1957; 8:45 a. m.]

NORTH BRAZIL/UNITED STATES-CANADA FREIGHT CONFERENCE

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to Section 15 of the Shipping Act, 1916, 39 Stat. 733, 46 U. S. C. 814:

Agreement No. 7640-4, between the member lines of the North Brazil/United States-Canada Freight Conference, modifies the basic conference agreement (No. 7640, as amended) (1) to provide that the failure of a member line to have a sailing for a period of six (6) or more consecutive months, instead of three (3) months as presently provided, shall be regarded as suspension of service for the purpose of determining the right to vote; (2) to provide that the sailing of a vessel of a member line shall constitute resumption of service for restoration of voting rights; and (3) to delete from the agreement the proviso that the Article dealing with the loss of voting rights shall not be effective until after the ter-

mination of the national emergency proclaimed by the President under the date of May 27, 1941.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: February 11, 1957.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F. R. Doc. 57-1155; Filed, Feb. 14, 1957; 8:45 a.m.]

RAILWAY EXPRESS AGENCY, INC. AND TRAILER MARINE TRANSPORTATION, INC.

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that there has been filed with the Board for approval pursuant to Section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U. S. C. 814), Agreement No. 8197, between Railway Express Agency, Incorporated, and Trailer Marine Transportation, Inc., providing for transportation of express shipments between continental United States and Puerto Rico and the Virgin Islands. Shipments moving northbound, as well as southbound, will be transported from point of origin to point of destination under through bills of lading of Railway Express.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within twenty (20) days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: February 11, 1957.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F. R. Doc. 57-1156; Filed, Feb. 14, 1957; 8:45 a. m.]

AMERICAN EXPORT LINES, INC, ET AL.

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, 39 Stat. 733, 46 U. S. C. 814:

Agreement No. 8350, between American Export Lines, Inc., and the carriers comprising Fern-Ville Mediterranean Lines-Fearnley & Eger and A. F. Klaveness & Co. A/S joint service provides for the creation of the Greece-Turkey-Syria Area Westbound Tobacco Conference covering the establishment and maintenance of rates, charges and practices for the transportation of tobacco from Greek, Turkish and Syrian ports to North Atlantic ports of the United States (Hampton Roads/Portland Range).

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: February 11, 1957.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F. R. Doc. 57-1157; Filed, Feb. 14, 1957; 8:46 a. m.]

[Docket No. 808]

PACIFIC COAST-HAWAII AND ATLANTIC/GULF-HAWAII; GENERAL INCREASE IN RATES

NOTICE OF HEARING

Pursuant to Notice of Investigation and of Hearing in this proceeding, appearing in the FEDERAL REGISTER of February 8, 1957 (22 F. R. 797), the hearing scheduled to begin at 10 o'clock a. m., March 11, 1957, at San Francisco, California, will be held in Room 226-A, Old Mint Building, 5th and Mission Streets.

Dated: February 12, 1957.

By order of the Federal Maritime Board.

GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 57-1198; Filed, Feb. 14, 1957; 8:53 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-8107, G-8108, G-8109]

TEXAS GAS CORP.[1]

NOTICE OF APPLICATIONS AND DATE OF HEARING

FEBRUARY 11, 1957.

Take notice that Texas Gas Corporation (Applicant), a Texas corporation with principal place of business at Houston, Texas, filed on December 9, 1954, in the above-entitled dockets, applications for certificates of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the applications which are on file with the Commission and open for public inspection.

Applicant operates certain natural gas facilities, as hereinafter described, which are necessary to the delivery by Applicant of natural gas sold in interstate commerce to Texas Eastern Transmission Corporation (Texas Eastern) by sellers other than the Applicant.

In Docket No. G-8107, under an agreement dated February 4, 1952, between Applicant and Texas Eastern, Applicant operates facilities for the movement of natural gas from the West Hamshire Field, Jefferson County, Texas, to the transmission lines of Texas Eastern. Such natural gas is purchased by Texas Eastern from Texas Eastern Production Corporation and Applicant processes and dehydrates the gas in its Winnie and Orange County plants for final delivery by Applicant to Texas Eastern.

In Docket No. G-8108, under an agreement dated March 10, 1953, between Applicant and Sun Oil Company, Applicant operates facilities for the movement of natural gas from the North Winnie and Stowell Fields, Chambers and Jefferson Counties, Texas, to the transmission lines of Texas Eastern. Such natural gas is purchased by Texas Eastern from Sun Oil Company and Applicant processes and dehydrates the gas in its Winnie and Orange County plants for final delivery by Applicant (after compression of the Stowell gas) to Texas Eastern. By a separate agreement dated March 10, 1953, between Applicant and Texas Eastern, Applicant is obligated to compress the North Winnie gas purchased by Texas Eastern from Sun Oil Company before delivering such gas to Texas Eastern.

In Docket No. G-8109, under an agreement dated March 17, 1953, between Applicant, Texas Eastern and Phillips Petroleum Company, Applicant operates facilities for the movement of natural gas from the North Port Neches Field, Orange County, Texas, to the transmission lines of Texas Eastern. Such natural gas is purchased by Texas Eastern from Phillips Petroleum Company and Applicant processes and dehydrates the gas in its Orange County plant for final delivery by Applicant to Texas Eastern.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Wednesday, March 13, 1957, at 10:00 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and

[1] Formerly McCarthy Chemical Company.

procedure (18 CFR 1.8 or 1.10) on or before February 26, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE,
Secretary.

[F. R. Doc. 57-1162; Filed, Feb. 14, 1957; 8:47 a. m.]

[Docket No. G-11712]

H. S. COLE, JR., ET AL.

ORDER SUSPENDING PROPOSED CHANGES IN RATES, AMENDMENT

FEBRUARY 5, 1957.

In the Order Suspending Proposed Changes in Rates, issued January 9, 1957, and Published in the FEDERAL REGISTER on January 16, 1957 (22 F. R. 324), under "Rate Schedule Designation" the words "Supplement No. 1 to Cole's FPC Gas Rate Schedule No. 3" should be corrected to read "Supplement No. 2 to Cole's FPC Gas Rate Schedule No. 3."

[SEAL] J. H. GUTRIDE,
Secretary.

[F. R. Doc. 57-1163; Filed, Feb. 14, 1957; 8:47 a. m.]

[Docket No. G-11926]

STANOLIND OIL & GAS CO.

ORDER SUSPENDING PROPOSED CHANGE IN RATES

Stanolind Oil & Gas Company (Stanolind), on January 14, 1957, tendered for filing a proposed change in its presently effective rate schedule for a sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change dated January 10, 1957.
Purchaser: Mississippi River Fuel Corporation.
Rate Schedule Designation: Supplement No. 6 to Stanolind's FPC Gas Rate Schedule No. 62.
Effective Date: [1] February 14, 1957.

In support of its proposed rate change, Stanolind has stated the increase is a part of the contract with the purchaser and has submitted no cost supporting data for the increase.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest, and to aid in the enforcement of the provisions of the Natural Gas Act, that the Commission enter upon a hearing concerning the lawfulness of the said proposed increased rate and charge, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations thereunder (18 CFR Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed increased rate and charge; and, pending such hearing and decision thereon, the above-designated supplement be and it is hereby suspended and the use thereof deferred until July 14, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested state commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: February 11, 1957.

By the Commission.[2]

[SEAL] J. H. GUTRIDE,
Secretary.

[F. R. Doc. 57-1161; Filed, Feb. 14, 1957; 8:47 a. m.]

[1] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by Stanolind, if later.

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11875, 11876; FCC 57M-117]

CHARLES W. DOWDY AND THOMAS D. PICKARD

ORDER CONTINUING HEARING

In re applications of Charles W. Dowdy, Tifton, Georgia, Docket No. 11875, File No. BP-10550; Thomas D. Pickard, Ashburn, Georgia, Docket No. 11876, File No. BP-10785; for construction permits.

The Hearing Examiner having under consideration an oral request from the applicants for a continuance;

It appearing that the hearing is currently scheduled to begin on February 14, 1957; and

It further appearing that the Broadcast Bureau does not oppose the request and that good cause has been shown;

It is ordered, This 8th day of February 1957, that the hearing scheduled for February 14 is continued to March 21, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-1205; Filed, Feb. 14, 1957; 8:53 a. m.]

[2] Commissioner Digby dissenting.

[Docket No. 11885; FCC 57M-118]

MORRISON CAB CO.

ORDER CONTINUING HEARING

In the matter of E. W. Morrison, d/b as Morrison Cab Company, Hammond, Louisiana, Docket No. 11885, order to show cause why the license for taxicab radio station KKC 600 should not be revoked.

The Hearing Examiner having under consideration the motion of the Commission's Safety and Special Radio Services Bureau, filed January 31, 1957, requesting that the hearing in the above-entitled proceeding, which is presently scheduled to commence on February 25, 1957, be continued indefinitely;

It appearing, that sufficient grounds are set forth in support of the motion and that the respondent has not filed opposition thereto;

It is ordered, This 8th day of February 1957, that the motion is granted and that the hearing in the above-entitled proceeding is continued indefinitely.

Released: February 11, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-1206; Filed, Feb. 14, 1957; 8:53 a. m.]

[Docket No. 11899; FCC 57-122]

TELEVISION DIABLO, INC. (KOVR)

MEMORANDUM OPINION AND ORDER DESIGNATING APPLICATION FOR HEARING

In re application of Television Diablo, Inc. (KOVR), Stockton, California, Docket No. 11899, File No. BPCT-2187, for construction permit to change transmitter site, etc.

1. On November 8, 1956, the Commission granted the above-captioned application of Television Diablo, Inc. (KOVR), Channel 13, Stockton, California, for a construction permit to change transmitter site, etc. On December 3, 1956, Capital City TV Corporation (Capital City), licensee of television broadcast station KCCC-TV, Channel 40, Sacramento, California, filed its "Protest and Petition for Reconsideration" pursuant to sections 309 (c) and 405 of the Communications Act of 1934, as amended, directed against the Commission's action of November 8, 1956, granting the above-captioned application. The petitioner also requested reconsideration of the Commission's actions of like date returning the application tendered by Capital City for Channel 13 at Stockton, and denying Capital City's petition for comparative consideration of such application with the above-captioned application and with the pending application (BLCT-459) of KOVR for license. On January 2, 1957, the Commission, by Memorandum Opinion and Order (FCC 57-7) found that the protestant was a party in interest, and that it had specified with particularity, as required by section 309 (c) of the Communications Act, the facts upon which it had relied in support of

its protest. Accordingly, on the latter date, the Commission postponed the effective date of the grant of the above-captioned application and designated the application for hearing "at a time and place, upon appropriate issues, and pursuant to hearing procedures, to be specified by further order of the Commission."

2. The protestant specifies thirteen issues upon which it requests a hearing. Inasmuch as we have found that the protestant has alleged sufficient facts in support of such issues, we are designating all of the issues specified for a full evidentiary hearing. Issues E, F and G raise questions concerning the loss of service which would allegedly result from the proposed move. Designation of these issues for evidentiary hearing does not constitute a determination by the Commission that the evidence to be adduced in support of these issues is material. Furthermore, the matters raised thereby also bear upon serious questions of law and policy, inter alia, whether the matters raised by these issues are grounds for setting aside the grant. Therefore, the parties should be prepared to address themselves to these matters in the proceeding.

3. Issues I and J, framed in terms of determining the impact of the grant upon operating, authorized or prospective UHF stations, are based upon factual allegations of economic injury to the protestant. The Commission has recently reasserted in WWSW, Inc., 14 Pike & Fischer RR 492, Perry County Broadcasting Company (FCC 56–1031) and Richard F. Lewis, Jr., Inc. (FCC 56–1055) the principles expressed in the Voice of Cullman case (6 Pike & Fischer RR 161), in which we refused a hearing on this type of issue. Therefore, although the Commission is designating these two issues for full evidentiary hearing in order to expedite this proceeding, this should not be construed as a determination that the matters raised by these issues, assuming the facts as alleged are proven, are grounds for setting aside the grant or that the competitive effect of the proposed move on the protestant's station is a relevant consideration.

4. The retention of issue L in the hearing should not be construed as action upon the petition for reconsideration filed by Capital City. That petition, insofar as it requests reconsideration of the Commission's actions returning Capital City's application for Stockton and refusing to afford such application comparative consideration with the above-captioned application and with the pending license application filed by KOVR (BLCT–459), will be treated in a separate Memorandum Opinion and Order at a later date. Capital City's request for reconsideration of the Commission's action granting the above-captioned application has been granted to the extent that a hearing has been ordered on its protest and is denial in all other respects.

5. In view of the foregoing: *It is ordered,* That pursuant to section 309 (c) of the Communications Act of 1934, as amended, the above-captioned application is designated for hearing at the offices of the Commission in Washington, D. C., on the following issues:

A. To determine (1) all of the facts and circumstances which led to Television Diablo's proposal herein to change the transmitter site of Station KOVR (TV); (2) those particular facts, circumstances and considerations which led to the selection of the specific site proposed; and (3) whether Television Diablo made a full and complete disclosure of these facts in its application herein, or whether it misrepresented or concealed material facts in connection therewith.

B. To determine all of the facts concerning Television Diablo's plans and intentions with regard to operation in, or identification of Station KOVR with Sacramento and its trade area and, whether Television Diablo made a full and complete disclosure of such facts in its application herein, or whether it misrepresented or concealed material facts in connection therewith.

C. To determine whether Television Diablo, in its various applications and other filings with the Commission, has made full and complete disclosure of, or has misrepresented or concealed material facts with respect to, its plans and intentions to operate KOVR (TV) as a Stockton station.

D. To determine, in the light of the evidence adduced under the foregoing issues, whether Television Diablo possesses the requisite character and other qualifications to be a permittee or licensee of a television broadcast station.

E. To determine the areas and populations which would lose service as a result of the proposed move of transmitter site of Station KOVR (TV), and the other television services available to such areas and populations.

F. To determine whether the operation of KOVR (TV) from the site proposed in the application would result in an increase or decrease of television service to Stockton and to the other areas and communities within the Stockton trade area.

G. To determine whether the change in transmitter site of Station KOVR is intended to, and would result in, closer identity of that station with Stockton and its trade area.

H. To determine whether a grant of the application of Television Diablo would contravene the requirements of § 3.607 of the Commission's rules, the principles of a fair, efficient and equitable distribution of television broadcast facilities specified in section 307 (b) of the act, and the principles upon which the assignment of television broadcast channels has been made by the Commission.

I. To determine whether a grant of the Television Diablo application would impair the ability of operating, authorized, or prospective UHF stations in the Sacramento and Stockton areas to effectively compete with other local TV stations, or whether the public would be deprived of the services of such UHF stations.

J. To determine the need, if any, for the service proposed herein by Television Diablo and whether such need outweighs the injury which might be caused to operating, authorized, or prospective UHF stations in the Sacramento and Stockton areas and to the public in said areas.

K. To determine the nature of the program service which has been rendered by Station KOVR and which is proposed to be rendered under its application, and whether such programming meets the needs and interests of audiences in Stockton and its trade areas.

L. To determine whether the grant to Television Diablo was improperly made, in violation of the requirements of the Communications Act and of the requirements established by the Supreme Court in Ashbacker v. FCC, concerning the need for comparative consideration of copending, mutually exclusive applications.

M. To determine whether, in the light of the facts adduced upon the foregoing issues, the public interests, convenience or necessity would be served by a grant of said application. The Commission is not adopting the issues specified by the protestant; therefore, the burden of proceeding with the introduction of evidence and the burden of proof as to each of the above issues shall be on the protestant.

It is further ordered; That the protestant and the Chief, Broadcast Bureau, are hereby made parties to the proceeding herein, and that:

(a) The hearing on the above issues shall commence at 10:00 a. m. on March 4, 1957, before an Examiner to be specified at a later date; and

(b) The appearances by the parties intending to participate in the above hearing shall be filed not later than February 25, 1957.

It is further ordered, That in recognition of the requirement of section 309 (c) that hearing and determination of cases arising thereunder shall be expedited by the Commission, the Examiner is directed to provide for the filing of Proposed Findings of Fact and Conclusions of Law as expeditiously as possible after the close of the hearing herein ordered.

Adopted: February 6, 1957.

Released: February 11, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57–1207; Filed, Feb. 14, 1957; 8:54 a. m.]

[Docket No. 11928–11930; FCC 57–130]

WASHINGTON BROADCASTING CO. ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Washington Broadcasting Company, Manassas, Virginia, Docket No. 11928, File No. BP–10509; O. K. Broadcasting Corporation, Triangle, Virginia, Docket No. 11929, File No. BP–10654; Harold H. Hersch and Edward L. Weaver d/b as Prince William Broadcasting Company, Manassas, Virginia, Docket No. 11930, File No. BP–10849; For construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 6th day of February 1957;

The Commission having under consideration the above-captioned applications of the Washington Broadcasting Company, the O. K. Broadcasting Corporation and Harold H. Hersch and Edward L. Weaver, d/b as Prince William Broadcasting Company, each for a construction permit for a new standard broadcast station to operate on 1460 kilocycles with a power of 500 watts, daytime only, the Washington Broadcasting Company and the Prince William Broadcasting Company specifying Manassas as the station location, the O. K. Broadcasting Corporation specifying Triangle as the station location, both in the State of Virginia;

It appearing, that all of the applicants are legally, technically, financially and otherwise qualified, except as may appear from the issues specified below to operate their proposed stations, but that the proposed operations would result in mutually destructive interference and the proposed operation of the O. K. Broadcasting Corporation would be involved in objectionable interference with Station WOL, Washington, D. C. (1450 kc, 250 w, U); and

It further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letter dated November 9, 1956, of the aforementioned interference and that the Commission was unable to conclude that a grant of any of the applications would be in the public interest; and

It further appearing, that a timely reply was received from each applicant, the Washington Broadcasting Company, also licensee of Station WOL, indicating in its reply that evidence would be offered with respect to the interference which would be caused to Station WOL by the proposed operation of the O. K. Broadcasting Corporation; and

It further appearing, that the Commission, after consideration of the replies, is of the opinion that a hearing is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposed operations and the availability of other primary service to such areas and populations.

2. To determine whether the proposed operation of the O. K. Broadcasting Corporation would cause interference to Station WOL, Washington, D. C., or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine, in light of section 307 (b) of the Communications Act of 1934, as amended, whether a grant of the Triangle, Virginia proposal or one of the Manassas, Virginia proposals, herein, would better provide a fair, efficient and equitable distribution of radio service.

4. To determine, in the event that one of the Manassas, Virginia proposals is favored under Issue 3, which of the operations proposed by the Washington Broadcasting Company and the Prince William Broadcasting Company for Manasses, Virginia, would better serve the public interest in the light of the evidence adduced under the foregoing issues and the record made with respect to the significant differences between the two applicants as to:

(a) The background and experience of each of the two above-named applicants to own and operate their proposed stations.

(b) The proposals of each of the two above-named applicants with respect to the management and operation of their proposed stations.

(c) The programming service proposed in each of the two above-mentioned applications.

5. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if any, of the applications should be granted.

It is further ordered, That, to avail themselves of the opportunity to be heard, the Washington Broadcasting Company, the O. K. Broadcasting Corporation and the Prince William Broadcasting Company, pursuant to § 1.387 of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: February 11, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-1208; Filed, Feb. 14, 1957; 8:54 a. m.]

[Docket No. 11931; FCC 57-131]

ERWAY BROADCASTING CORP. (WAYE)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Erway Broadcasting Corporation (WAYE), Dundalk, Maryland, Docket No. 11931, File No. BML-1679; for modification of license.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 6th day of February 1957;

The Commission having under consideration the above-captioned application of the Erway Broadcasting Corporation for a modification of the license of Station WAYE, Dundalk, Maryland, to change the station designation to Baltimore, Maryland, and to change studio location;

It appearing, that the applicant is legally, technically, financially and otherwise qualified, except as may appear from the issues specified below, to operate station WAYE as proposed, but that the proposed operation would not provide a signal of 25 mv/m over all the business and industrial areas of the City of Baltimore nor a signal of 5 mv/m over all the residential area of the city sought to be served as required by §§ 3.182 and 3.188 of the Commission's rules; and

It further appearing, that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicant was advised by letter dated August 31, 1956, of the aforementioned deficiency and that the Commission was unable to conclude that a grant of the application would be in the public interest; and

It further appearing, that the applicant replied to the Commission's letter on December 10, 1956, and submitted spot measurements purporting to show that the proposed operation would provide adequate coverage to the city sought to be served, but that the measurements submitted do not adequately establish the fact that the proposal will provide the coverage required by the Technical Standards; and

It further appearing, that the commission, after consideration of the above, is of the opinion that a hearing is necessary;

It is ordered, That, pursuant to section 309 (b) of the Comunications Act of 1934, as amended, the said application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether the operation as proposed would be in compliance with the Commission's Rule and Technical Standards with particular reference to adequate coverage of the city sought to be served.

2. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the application would serve the public interest.

It is further ordered, That, to avail itself of the opportunity to be heard, Erway Broadcasting Corporation, pursuant to § 1.387 of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: February 11, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-1209; Filed, Feb. 14, 1957; 8:54 a. m.]

[Docket No. 11932; FCC 57-126]

NEW JERSEY EXCHANGES, INC. (KEC738)

MEMORANDUM OPINION AND ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In the matter of the application of New Jersey Exchanges, Inc. (KEC738), Docket No. 11932, File No. 2379-C2-P-

56; for a construction permit to establish a new station for two-way communications in the Domestic Public Land Mobile Radio Service at Ridgewood, New Jersey.

1. The Commission has before it for consideration (a) a protest and petition for reconsideration filed on January 7, 1957, pursuant to sections 309 (c) and 405 of the Communications Act of 1934, as amended, by Telephone Secretarial Service, Inc. (hereinafter called Protestant), licensee of station KEA263, a two-way facility licensed in the Domestic Public Land Mobile Radio Service at Newark, New Jersey, protesting the Commission's action of December 5, 1956, granting without hearing the above-entitled application of New Jersey Exchanges, Inc. (hereinafter called Applicant) for a construction permit to provide a two-way communications service in the Domestic Public Land Mobile Radio Service in the Ridgewood, New Jersey area; (b) an opposition to the said protest and petition timely filed by Applicant on January 14, 1957; and (c) a reply to the opposition timely filed on January 18, 1957.

2. *Preliminary statement.* On June 13, 1956, Applicant applied for a construction permit for the two-way communications service mentioned in paragraph 1 above. A construction permit was issued on December 5, 1956, and public notice of this action was issued on December 10, 1956 (Report No. 352, Mimeograph #39544). Prior to the grant of the above-captioned application, the Protestant filed an informal opposition thereto on August 29, 1956. A letter dated December 5, 1956, was sent to the Protestant advising it that, although consideration had been given to its opposition, the Applicant's application had been granted without hearing on December 5, 1956.

3. *Protestant's protest.* In support of its protest, Protestant asserts that it is a party in interest within the meaning of section 309 (c) of the Communications Act, since Applicant's transmitter is to be located in Clifton, New Jersey with the control point in Ridgewood, New Jersey, placing the transmitter site "barely 10 miles from that of" Protestant, which site "lies in the heart of the Paterson-Clifton-Passaic area from which Protestant now derives more than one-third of its business"; that about half of Protestant's subscribers and mobile units are closer to Clifton than to Newark; that the community of Ridgewood and the area to the north of Ridgewood is largely residential in character and would not provide Applicant with sufficient customers to operate on the basis proposed; that the Applicant, therefore, must seek his customers from adjacent industrial and commerical centers of Paterson-Clifton-Passaic, in which area a large portion of Protestant's subscribers are located; that Protestant has the capacity to serve subscribers in Ridgewood and surrounding areas "more efficiently and at less cost than" Applicant; that Applicant's proposed service is directly competitive with Protestant's service and Applicant's service would reduce Protestant's revenue and limit its expansion; and that there is no need for a second like service in this area, and a grant of Applicant's application would jeopardize the reliable and efficient service the public now has in this area. Protestant further states that Applicant is not financially qualified; that the proposed service will be inadequate; and that Applicant has made no showing of need for the new facility.

4. Protestant requests that the application be designated for hearing upon the following issues:

(1) To determine whether or not the Applicant is financially qualified to establish and operate the proposed service;

(2) To determine the nature and extent of service proposed by the Applicant, including the rates, charges, practices, classifications, regulations and facilities pertaining thereto;

(3) To determine whether the equipment, staff and facilities proposed by Applicant are adequate to render a satisfactory service to the public;

(4) To determine whether or not there is a public need and demand for the proposed service;

(5) To determine the effect the proposed service would have on the service now rendered to the public in the area involved; and whether the proposed service would impair overall service in the area to the injury of the public;

(6) To determine in the light of the foregoing issues, and any additional issues the Commission may prescribe, whether the public interest, convenience and necessity would be served by a grant of the application.

5. *The opposition to the protest.* Applicant asserts that the protest was filed late, since it was not filed within 30 days of the date of grant of the above-captioned application. Applicant urges that, since section 309 (c) provides that "such grant shall remain subject to protest as hereinafter provided for a period of thirty days", and the protest here was not filed until January 7, 1957, more than 30 days from the date of grant and the mailing of a notice thereof to the Protestant, the protest was filed late. Applicant cites the case of Valley Broadcasting Co. vs. FCC, 237 F. 2d 784, for the proposition that a timely protest under section 309 (c) must be filed within 30 days of the Commission's grant. The remainder of the opposition, in summary, is a general denial of the matters alleged in the protest and urges that Protestant has not stated facts sufficient to show that a grant of the protested construction permit would not be in the public interest. Applicant argues that its grant should not be set aside because it has commenced construction. Applicant also asserts that the petition for reconsideration is defective in non-compliance with § 1.390 (a) of our rules.

6. *Disposition of the plea that the protest was not timely filed.* We must reject, as being without merit, the contention that the instant protest was not timely filed. While the grant of the protested application was made on December 5, 1956, and a notice of such action was also mailed to the Protestant on the same date, the Protestant cannot be charged with actual notice of the event on that date. We do not interpret the 30 day time limitation provided in section 309 (c) to mean that such period is to be computed from the date of the Commission's action granting an authorization. Rather, we have held that the computation of the 30 day period should begin with the date on which the Commission releases its Public Notice of the action taken. Such interpretation will accord an affected party the full 30 day statutory period. (See In re Applications of Salinas Broadcasting Corp., etc., 9 R. R. 192.) Thus, computing the 30 day period from the date of our Public Notice, December 10, 1956, we find that the 30 day period expired on January 9, 1957, and the protest was timely filed. The Valley Broadcasting Co. case, supra, cited by Applicant, is not in point since it was conceded by the parties to that proceeding that the 30 days allowed under section 309 (c) expired on November 21, 1955, and no issue was either presented or decided relative to when the computation of such period should start to run.

7. *Disposition of the protest.* In the light of the fact that Protestant is a licensee of a facility like that proposed by Applicant, which facility, it is alleged, will be in direct competition with that of Protestant, and that Protestant has alleged that economic injury will result from the grant complained of, we are of the view that the Protestant is a party in interest within the meaning of section 309 (c) of the Communications Act of 1934, as amended (Sanders vs FCC, 309 U. S. 470).

8. The suggested issue (1) in the protest will be adopted as written; issues (2) and (3) will be combined, since both involve the same subject matter; issues (4) and (5) will be combined and reworded, since both deal with the question of need for the service in the area in question; and issue (6), which is conclusionary in nature, will be rewritten to include the issues set forth hereinafter.

9. We are unable to find any justification for continuing Applicant's grant pending disposition of this case. Our disposition hereof makes further consideration of the petition for reconsideration moot.

10. Accordingly, in the light of our conclusions in paragraphs 7, 8 and 9 above, and in order to carry out the intent of Congress with respect to section 309 (c) of our act;

11. *It is ordered,* That, this matter is designated for hearing upon the following issues:

(a) To determine the nature and extent of service proposed by Applicant, including the rates, charges, practices, classifications, regulations, personnel and facilities pertaining thereto.

(b) To determine the nature and extent of service now rendered by Protestant, including the rates, charges, practices, classifications, regulations, personnel and facilities pertaining thereto.

(c) To determine the area and population presently covered by the service offered by Protestant.

(d) To determine the area and population to be covered by the service proposed by Applicant.

(e) To determine the need for the proposed service of Applicant, and the nature and extent of any benefits to the

public which will accrue because of Applicant's proposed service.

(f) To determine whether any disadvantages to the public will accrue because of Applicant's proposed service.

(g) To determine whether or not the Applicant is financially qualified to establish and operate the proposed service.

(h) To determine, in the light of the evidence adduced on all the foregoing issues, whether the public interest, convenience or necessity will be served by a grant of the subject application.

12. *It is further ordered,* That, the effective date of the Commission's action of December 5, 1956, granting the above-captioned application is postponed pending a final decision by the Commission with respect to the evidentiary hearing herein provided; and

13. *It is further ordered,* That, the hearing herein, upon the issues specified in paragraph 11 above, shall be held at the Commission's offices in Washington, D. C., on a date, and before an Examiner, to be announced in a subsequent order; and

14. *It is further ordered,* That, the burden of proof on issues (a), (d), (e), (g) and (h) are placed on the applicant, and the burden of proof on issues (b), (c), and (f) are placed on the protestant; and

15. *It is further ordered,* That, the Protestant, and the Chief, Common Carrier Bureau, are made parties to the proceeding herein; and

16. *It is further ordered,* That, the parties desiring to participate herein shall file their appearances not later than February 26, 1957.

Adopted: February 6, 1957.

Released: February 11, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-1210; Filed, Feb. 14, 1957; 8:54 a. m.]

[Docket No. 11933; FCC 57-135]

WATCHTOWER BIBLE AND TRACT SOCIETY OF NEW YORK, INC., AND TELE-BROADCASTERS OF NEW YORK, INC.

MEMORANDUM OPINION AND ORDER DESIGNATING MATTER FOR ORAL ARGUMENT

In the matter of Watchtower Bible and Tract Society of New York, Inc. (Assignor), and Tele-Broadcasters of New York, Inc. (Assignee), Docket No. 11933, File No. BAL-2434; for consent to the assignment of license of Station WBBR, Brooklyn, New York.

1. The Commission has before it for consideration (a) a "Protest filed on behalf of Charles River Broadcasting Company," filed on January 10, 1957, by Charles River Broadcasting Company, licensee of Stations WCRB and WCRB-FM, Waltham, Massachusetts, and directed against the Commission's action of December 12, 1956 granting without hearing the above-entitled application;[1] (b) separate oppositions thereto filed on January 22, 1957 by Watchtower Bible and Tract Society of New York, Inc., and Tele-Broadcasters of New York, Inc., respectively; (c) a "Protest and Petition for Reconsideration," filed on January 11, 1957, by Debs Memorial Radio Fund, Inc., licensee of Stations WEVD and WEVD-FM, New York, N. Y., and directed against the Commission's grant of the above-entitled application; (d) separate oppositions thereto filed on January 22, 1957 by Watchtower Bible and Tract Society of New York, Inc., and Tele-Broadcasters of New York, Inc., respectively; and (e) a reply to said oppositions filed on January 28, 1957 by Debs Memorial Radio Fund, Inc.

2. The above application requests Commission consent to the proposed assignment of license of Station WBBR, Brooklyn, New York, from Watchtower Bible and Tract Society of New York, Inc., to Tele-Broadcasters of New York, Inc. All of the stock of the assignee is owned by Tele-Broadcasters, Inc., a Delaware corporation. Station WBBR shares the use of its assigned frequency of 1330 kilocycles with Stations WEVD, New York, N. Y., licensed to Debs Memorial Radio Fund, Inc., and WHAZ, Troy, New York, licensed to Rensselaer Polytechnic Institute. Under the licenses of these stations, each is entitled to the following proportion of time on the shared frequency: WEVD 24/35ths; WBBR 2/7ths; and WHAZ 5/100ths. Station WBBR was first licensed on January 31, 1924 and was assigned to a frequency of 1300 kilocycles under the allocation of November 11, 1928, which frequency was shifted to 1330 kilocycles under the NARBA reallocation of March 29, 1941. On October 23, 1947, WCRB was granted a construction permit to operate on 1330 kilocycles with a power of 500 watts, daytime only. This was later raised to one kilowatt, daytime only. Subsequently, Charles River filed an application (BP-8885) to change the facilities of Station WCRB from 1330 kilocycles, one kilowatt, daytime only, to unlimited time, utilizing a directional antenna, day and night. By letter of March 10, 1954, the Commission advised the applicant that the proposed nighttime operation of WCRB would be subject to excessive interference from Stations WEVD, WHAZ and WBBR; that the interference from WBBR would be particularly severe; and that a problem was therefore raised under the Commission's "10% rule" (now § 3.28 (c) of the Commission's rules) which prohibits a grant of a construction permit for facilities which will receive excessive interference. In reply to this letter, the applicant submitted additional engineering data purporting to show that the interference would not be as severe as anticipated by the Commission, and stated that WCRB's program format of fine music warranted a grant despite engineering deficiencies. After consideration of this reply, the Commission granted the application (BP-8885) on June 9, 1954. Prior to the grant of the above-entitled application, pleadings objecting thereto were filed by the protestants herein, Debs Memorial Radio Fund, Inc., and Charles River Broadcasting Company. Said pleadings were given careful consideration by the Commission in connection with its review of the application. However, on the basis of all of the information before it, the Commission found that the public interest would be served by a grant of the above application.

3. In its protest, Charles River alleges, in substance, that it is an aggrieved party who is adversely affected by the grant of the above application; that WCRB suffers electrical interference from WBBR; that the license of WBBR was issued for a non-commercial purpose, religious in policy and educational in content; that the assignment of license of WBBR to Tele-Broadcasters of New York, Inc., allows strict commercial operation of WBBR, not contemplated by the license heretofore granted to said station; that "protestant has been denied a right given to it by law to compete for the right to better use 1330 kilocycles"; and that the instant assignment was a device used by the parties to "circumvent the law," and avoid the necessity of Tele-Broadcasters filing an application for new facilities.

4. In their oppositions to the Charles River protest, the applicants allege, in substance, that Charles River is not a party in interest to the above-entitled proceedings; that under section 310 (b) of the Communications Act, the pendency of the instant application does not give Charles River a right to apply for new or modified facilities on 1330 kc; that the assignor could have at any time operated Station WBBR commercially; that no engineering data has been submitted in support of protestant's claim of electrical interference; and that such claim is not pertinent to an assignment proceeding.

5. In its protest, Debs Memorial Radio Fund, Inc., alleges, in substance, that although it is a non-profit organization, it sells some time on WEVD and seeks and obtains advertising revenues in order to meet expenses incurred in presenting cultural, educational and discussion programs; that heretofore, Sta-

[1] On January 14, 1957, the Commission received (a) a letter, *dated January 10, 1957,* from Richard L. Kaye, Vice President of Charles River Broadcasting Company; and (b) a letter, also dated January 10, 1957, from Theodore Jones, President of Charles River Broadcasting Company. Both letters refer to the "protest" filed by the protestant's attorney and discuss some of the matters referred to in said protest. At the same time, the letters refer to certain new matters. Neither letter bears any indication that it was served upon the applicants or their attorneys, as required by section 309 (c) of the Communications Act. In addition, the letter from Mr. Kaye is unverified. In view of these deficiencies, the Commission is prohibited by the above section of the Communications Act from considering the letters as a part of the formal protest. Nevertheless, we have examined the allegations contained in said letters and we find nothing therein which would change our decision in this case, even if we were free to consider the letters as a part of the protest.

tion WBBR has been operated by the Watchtower Bible and Tract Society (the governing body of the Jehovah's Witnesses in the United States) on a non-commercial basis; that the assignee, Tele-Broadcasters of New York, Inc., proposes to operate WBBR on a commercial basis, and the station will then compete with WEVD for sales revenue, in addition to competing for news, program sources and talent; that in the past, with Stations WHAZ and WBBR, both being operated on a non-commercial basis, said stations and WEVD have been able to work out a satisfactory agreement for sharing time on their assigned frequency of 1330 kc; that the operation of WBBR by Tele-Broadcasters of New York, Inc., on a commercial basis presents a threat to WEVD's hours of operation because every additional hour of time which Tele-Broadcasters of New York, Inc., can obtain at the expense of WEVD can be used for profit; and that in view of the foregoing, protestant will suffer economic injury and its interests will be adversely affected by the grant of the above-entitled application.

6. Debs further alleges, in substance, that the assignee was not shown to be financially qualified, in that the assignee's parent company, Tele-Broadcasters, Inc., was not shown to be financially qualified to purchase and operate WBBR, and to purchase and operate Station KALI, Pasadena, California, which the Commission recently authorized it to do; that the sale-purchase contract between the assignor and assignee contains a provision to the effect that the balance of the purchase price (which is to be paid by the buyer in quarterly installments over a ten-year period) will become immediately due and payable, in the event that the purchaser surrenders any of the hours presently allocated to WBBR on the shared frequency, which provision, it is alleged, violates the Commission's policies and is contrary to the public interest in that it affords an opportunity for the assignor to coerce and restrict the assignee after the assignment has taken place, and the assignor would thus retain rights in the station's license; that under its proposed program schedule of 33 hours per week, 72.5 percent commercial, the assignee will have available only 23.83 hours per week in which to sell time, and will be compelled to overcommercialize and load those hours with spot announcements in order to meet operating expenses and obligations under the contract of sale; that in view of the fact that WBBR has no prior record of earnings, the Commission should have required the assignee to submit estimated figures of expenses and revenues from the proposed commercial operation of the station; that the grant of the application will be detrimental to the listening public in WEVD's service area, in that the assignee will have an incentive for future raids on WEVD's hours; and that the Commission should have considered the extent to which WEVD's programs would have to be modified or terminated as the result of such raids.

7. Debs further alleges, in substance, that the above-entitled application was filed on the same day as the application (BAPL–119) for Commission consent to the sale of Station WARE, Ware, Massachusetts, by a subsidiary of Tele-Broadcasters, Inc.; that the said applications contained representations to the effect that WARE was being sold in order to obtain funds for the purchase of WBBR; that it was not shown that New York City had any lack of the programming proposed by the assignee for WBBR, and no need of the public was shown to be related to the transaction which was to be accomplished by selling another station; that a question is thus raised as to whether the transactions involve "trafficking in licenses," which would disqualify the applicant; and that the Commission did not adequately consider the pre-grant objections filed by WEVD.

8. In their oppositions to the Debs protest, the applicants allege, in substance, that by reason of the share-time agreement, Station WEVD is unable to compete with Station WBBR since both stations are never on the air at the same time; that Debs has not established with the particularity required by section 309 (c) of the Communications Act that it is a party in interest to the above-entitled proceeding; and that since WBBR has always been authorized to operate commercially, WEVD and WBBR have always been potential "competitors" and this situation will not be changed by the protested assignment. In its reply, Debs urges that it is a party in interest.

9. To establish standing to protest under section 309 (c) of the Communications Act, a protestant must show that it is a "party in interest" to the action protested, within the meaning of said section. The only such showing contained in the protest filed by Charles River consists of the bare conclusionary allegation that Charles River is "an aggrieved party who is adversely affected by the granting of [the above-entitled] assignment of the radio facilities of WBBR * * *." In our view, this statement does not constitute a showing sufficient to establish the standing required by the statute. To establish standing as a "party in interest," it is incumbent upon the protestant to alleged with particularity facts showing the manner in which the subject assignment will adversely affect it or cause it to be aggrieved. It is true that Charles River has alleged, as a substantive matter, that its standard broadcast station, WCRB, suffers electrical interference from Station WBBR. As is indicated in paragraph "2" herein, the alleged interference has existed since 1954. Charles River has neither alleged nor shown that such interference will be increased or otherwise affected by the grant of the above application. Consequently, upon careful consideration of its protest, we are constrained to conclude that Charles River has failed to show that it is a "party in interest," and we are, therefore, unable to find that it has standing, under section 309 (c) of the Act. In re James Robert Meachem, 12 Pike and Fischer RR 1427; In re A. A. Schmidt, et al., FCC 57–105, decided January 30, 1957.

10. Notwithstanding our findings that Charles River has failed to show standing to protest under section 309 (c) of the Communications Act, in this case as well as in all other instances, the Commission will consider any facts brought to its attention which bear on the question whether its grant was improperly made or would otherwise not be in the public interest. There is, however, no merit to the protestant's contention that the instant assignment of license gives it a right to compete "for the right to better use" the facility being assigned. In fact, section 310 (b) of the Communications Act provides that, "in acting [upon an assignment application] the Commission may not consider whether the public interest, convenience and necessity might be served by the transfer, assignment or disposal of the permit or license to a person other than the proposed transferee or assignee." As to the protestant's claim that the subject assignment is a device to "circumvent the law" by avoiding the necessity of the assignee making application for new facilities, it is clear that, contrary to the protestant's contention, the license currently held by Station WBBR does not differ in character from the license of any other standard broadcast station, and specific provision for the assignment of such licenses is contained in the section of the Communications Act referred to above.

11. Turning to the protest and petition for reconsideration filed by Debs Memorial Radio Fund, Inc., pursuant to sections 309 (c) and 405 of the Communications Act, in light of the facts alleged therein, we find that the protestant is a "party in interest" within the meaning of section 309 (c) of the act, and a "person aggrieved or whose interests are adversely affected" by the Commission's grant of the above-entitled application, within the meaning of section 405 of the act. Granik, et al., v. FCC, 98 U. S. App. D. C., 247, 234 F. 2d 682; FCC v. Sanders, 309 U. S. 470; In re General Times Television Corporation, 13 Pike and Fischer RR 1049; Camden Radio, Inc., v. FCC, 94 U. S. App. D. C., 312, 220 F. 2d 191. We find further that the protestant has specified with particularity the facts upon which it relies to show that the Commission's grant was not in the public interest. In view of these findings, a question is presented as to the type of hearing which is required with respect to the protestant's issues. In this connection, section 309 (c) of the Communications Act of 1934, as amended, provides, in substance, that where a sufficient protest is filed, the Commission

> shall designate the protested application for hearing upon issues relating to all matters specified in the protest as grounds for setting aside the grant, except with respect to such matters as to which the Commission, after affording protestant an opportunity for oral argument, finds, for reasons set forth in the decision, that, even if the facts alleged were to be proven, no grounds for setting aside the grant are presented.

12. The instant protest contains allegations of fact and conclusions drawn therefrom by the protestant. The facts alleged are, in substance, the same as facts which were alleged in pleadings filed by the protestant prior to the Commission's grant of the above-entitled application. Upon consideration of

these facts, the Commission then found that a grant of the application would be in the public interest. We have given further careful consideration to the facts alleged in the protest and are not convinced at this point that, even if these facts were proven, grounds are presented for setting aside our grant. As we pointed out in our letter to the protestant, dated December 12, 1956, Commission records fail to indicate the existence of any application or proceeding to enlarge the operating time of WBBR, and the assignee has represented to the Commission that it does not contemplate making any demand upon Station WEVD to relinquish any of the time presently used by it. Consequently, since there is no proposal before us to change the operating time allocated to Stations WEVD and WBBR, there is no occasion at this time for us to conjecture as to the possible effects of such a change. With respect to the financial qualifications of the proposed assignee, information submitted in the application indicates that the assignee will have available to it $70,000 in cash, derived from the sale of Station WARE, Ware, Massachusetts, by Tele-Broadcasters, Inc., which amount would appear to be more than adequate to meet the $30,000 down payment required under the contract of purchase with the assignor, and to provide initial operating capital. Taking into account all of the relevant information available to the Commission, we do not accept the protestant's conclusion that the applicants should have submitted additional financial data beyond that called for by the application form, nor do we accept protestant's conclusion that the purchase of Station KALI, Pasadena, California, by Tele-Broadcasters, Inc., impairs the financial qualifications of Tele-Broadcasters of New York, Inc., to purchase and operate Station WBBR. In addition, we are unable to agree with protestant's conclusions that the assignee will be compelled to over-commercialize Station WBBR; that the contract of sale results in the retention by the assignor of rights in the license of said station; or that the sale of Station WARE, Ware, Massachusetts, to obtain funds to purchase WBBR constitutes "trafficking in licenses." Accordingly, oral argument will be ordered herein as on demurrer.

13. A final question is presented as to whether we should stay the effective date of our grant of the above-entitled application. In this connection, section 309 (c) of the Communications Act provides as follows:

> * * * pending hearing and decision the effective date of the Commission's action to which protest is made shall be postponed to the effective date of the Commission's decision after hearing, unless the authorization involved is necessary to the maintenance or conduct of an existing service, or unless the Commission affirmatively finds for reasons set forth in the decision that the public interest requires that the grant remain in effect, in which event the Commission shall authorize the applicant to utilize the facilities or authorization in question pending the Commission's decision after hearing.

The applicants herein have made no showing as to why a stay should be denied, and there is no information before us which would indicate that the grant in question is "necessary to the maintenance or conduct of an existing service," or which would warrant us in finding affirmatively that the "public interest requires that the grant remain in effect." Consequently, the effective date of our grant of the above-entitled application must be postponed.

14. In view of the foregoing: *It is ordered,* That, the protest of Charles River Broadcasting Company is dismissed; that the petition for reconsideration filed by Debs Memorial Radio Fund, Inc., under section 405 of the Communications Act is granted to the extent provided for herein and denied in all other respects; that pursuant to section 309 (c) of the Communications Act of 1934, as amended, the above-entitled application is designated for oral argument at the offices of the Commission in Washington, D. C., on the question whether, if the facts alleged in the protest of Debs Memorial Radio Fund, Inc., were proven, grounds have been presented for setting aside the grant of said application; and that the effective date of the grant of the above-entitled application is postponed pending a final determination by the Commission in the proceedings ordered below.

15. *It is further ordered,* That, Debs Memorial Radio Fund, Inc., and the Chief, Broadcast Bureau are hereby made parties to the proceeding herein and that:

(a) The oral argument shall commence at 10:00 a. m. on the 25th day of February 1957, and shall be held before the Commission en banc;

(b) The parties intending to participate in the oral argument shall file their appearances not later than the 18th day of February 1957;

(c) The parties to the proceedings have until the date of oral argument to file briefs or memoranda of law.

It is further ordered, That, in the event the assignment herein has been consummated, the parties to the above-entitled application shall have until March 8, 1957 to reassign the license of Station WBBR to Watchtower Bible and Tract Society of New York, Inc.

Adopted: February 6, 1957.

Released: February 11, 1957.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 57-1211; Filed, Feb. 14, 1957; 8:54 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

FEBRUARY 12, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 33258: *Sulphur—New Orleans, La., group to Massachusetts and Pennsylvania.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on sulphur (brimstone), other than crude, carloads from New Orleans, La., and grouped origins to North Brookfield, and Taunton, Mass., and Pottsboro, Pa.

Grounds for relief: Circuitous routes in part west of the Mississippi River.

FSA No. 33259: *Paving compounds—Between Southern Points and Points in Official Territory.* Filed by St. Louis-San Francisco Railway Company, Agent, for interested rail carriers. Rates on paving and paving joint compounds, carloads (1) between specified points in southern territory including Ohio and Mississippi River Crossings south and east of St. Louis, Mo., and (2) between specified points in southern territory, on the one hand and specified points in Illinois territory, on the other.

Grounds for relief: Circuitous routes in part west of the Mississippi River.

FSA No. 33260: *Logs—Myrtle, Va., to High Point, N. C.* Filed by O. W. South, Jr., Agent, for interested carriers. Rates on logs, carloads from Myrtle, Va., to High Point, N. C.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 147 to Agent C. A. Spaninger's tariff I. C. C. 1297.

FSA No. 33261: *Asphalt—Casper and Cody, Wyo., to Utah Points.* Filed by Chicago, Burlington & Quincy Railroad Company, for interested rail carriers. Rates on asphalt (asphaltum), natural, by-product or petroleum, straight or mixed carloads, from Casper and Cody, Wyo., to Salt Lake City, Utah, and other specified points in Utah.

Grounds for relief: Circuitous routes.

Tariff: Supplement 29 to Chicago, Burlington & Quincy Railroad Company's tariff I. C. C. 20402.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57-1164; Filed, Feb. 14, 1957; 8:47 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 8153]

LOS ANGELES AIR SERVICE, INC.

NOTICE OF PREHEARING CONFERENCE

In the matter of the application of Kirk Kerkorian and Los Angeles Air Service, Inc., for approval of control and interlocking relationships.

Notice is hereby given that a prehearing conference in the above-entitled application is assigned to be held on February 26, 1957, at 10:00 a. m., e. s. t., in Room E-224, Temporary Building No. 5, Sixteenth Street and Constitution Avenue, NW., Washington, D. C., before Examiner Barron Fredricks.

Dated at Washington, D. C., February 5, 1957.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F. R. Doc. 57-1216; Filed, Feb. 14, 1957; 8:55 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ADMINISTRATIVE OFFICER ET AL.; AREA I

NOTICE OF DESIGNATION, AMENDMENT

Effective January 28, 1957, the Federal Register Document No. 56-5244, appearing on page 4934 of Volume 21, Number 128 published July 3, 1956, as amended by Federal Register Document Number 56-6009 appearing on page 5629 of Volume 21, Number 144, published July 26, 1956, is hereby amended to read:

1. Under authority conferred by Director's Order No. 615, June 12, 1956 and Amendments No. 1 dated July 2, 1956 and No. 2 dated October 22, 1956, the Acting Area Administrator and the Area Administrative Officer are authorized to enter into contracts for construction, equipment, supplies (including the rental of equipment) or services, irrespective of amount,[1] and leases of space in real estate.

2. Also pursuant to the above order, the following classes of employees of Area 1 are hereby authorized to enter into procurement contracts, with monetary limitations on individual transactions as indicated. Purchases of capitalized equipment will be limited to designated Area office personnel.

	Special purpose leases (buildings)	Equipment rental agreements	4-140 purchase orders	SF-44 purchases	Imprest funds
Acting Area Administrative Officer, Area Property and Supply Officer, and Acting Area Property and Supply Officer	$10,000	$10,000	$10,000	$500	$50
Washington State Supervisor, Calif. State Supervisor, Assistant to the Calif. State Supervisor, and Oregon State Supervisor	----------	500	500	500	50
District Range Managers and District Foresters	----------	500	500	500	50
Manager Land Office, Los Angeles; Assistant Manager Land Office, Los Angeles; Manager Land Office, Sacramento	----------	----------	[1] 200	50	25
Office Cadastral Engineer, Sacramento	----------	----------	500	500	50
Cadastral Engineers (in field)	----------	----------	500	500	50

[1] To be used only for purchases of routine office supplies from General Services Administration. Such purchases are subject to the availability of California State Office funds, quarterly apportionments, and such other limitation as may be imposed by the State Supervisor.

T. M. TYRRELL,
Acting Area Administrator,
Area 1, Bureau of Land Management.

[F. R. Doc. 57-1158, Filed, Feb. 14, 1957; 8:46 a. m.]

[Classification Order No. 109]

[California No. 44]

CALIFORNIA

SMALL TRACT CLASSIFICATION; AMENDMENT

FEBRUARY 5, 1957.

Pursuant to authority delegated to me by the California State Supervisor, Bureau of Land Management, under Part II, Document 4, California State Office, dated November 19, 1954 (19 F. R. 7697), I hereby amend Small Tract Classification Order No. 109, California No. 44, dated October 22, 1946, to permit lease and sale of the following described lands for residence and/or business purposes:

MOUNT DIABLO BASE AND MERIDIAN

T. 25 S., R. 43 E.,
Sec. 5, N½SE¼SW¼SE¼, S½SE¼SW¼SE¼.

R. G. SPORLEDER,
Officer-in-Charge,
Southern Field Group,
Los Angeles, California.

[F. R. Doc. 57-1159; Filed, Feb. 14, 1957; 8:46 a. m.]

[Classification No. 521]

CALIFORNIA

SMALL TRACT CLASSIFICATION

FEBRUARY 5, 1957.

1. Pursuant to authority delegated to me by the California State Supervisor, Bureau of Land Management, under Part II, Document 4, California State Office, dated November 19, 1954 (19 F. R. 7697), I hereby classify the following described public lands, totaling 2,267.90 acres in San Bernardino County, California, as suitable for lease and sale for residence purposes under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended:

SAN BERNARDINO BASE AND MERIDIAN

T. 9 N., R. 1 W.,
Sec. 19, NE¼, W½, N½SE¼, SW¼SE¼.
Sec. 20, N½SW¼, SE¼.
T. 9 N., R. 2 W.,
Sec. 15, SE¼, SE¼SW¼, SE¼NE¼SW¼, SE¼SW¼SW¼, SE¼NE¼, SE¼SW¼NE¼, E½NE¼NE¼.
Sec. 22, E½, E½NW¼, E½W½NW¼, SW¼SW¼NW¼.
Sec. 23, N½.
Sec. 24, E½, NW¼.

2. Classification of the above-described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws.

3. The lands classified by this order shall not become subject to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended, until it is so provided by an order to be issued by an authorized officer, opening the lands to application or bid with a preference right to veterans of World War II and of the Korean conflict and other qualified persons entitled to preference under the act of September 27, 1944 (58 Stat. 497; 43 U. S. C. 279-284), as amended.

4. All valid applications filed prior to February 5, 1957, will be granted, as soon as possible, the preference right provided for by 43 CFR 257.5 (a).

R. G. SPORLEDER,
Officer-in-Charge,
Southern Field Group,
Los Angeles, California.

[F. R. Doc. 57-1160; Filed, Feb. 14, 1957; 8:46 a. m.]

[1] Where the amount involved is in excess of $25,000, five working days advance notice to the Office of the Secretary is required in accordance with the Secretary's memoranda of March 2, 1954 and October 17, 1955.

OFFICE OF DEFENSE MOBILIZATION

PHILIP M. POWERS

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

No change since last submission of Form ODM-163 except for addition of Collins Radio.

This amends statement published in the FEDERAL REGISTER, August 29, 1956 (21 F. R. 6524).

Dated: February 1, 1957.

PHILIP N. POWERS.

[F. R. Doc. 57-1180; Filed, Feb. 14, 1957; 8:50 a. m.]

E. D. REEVES

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

No change since last submission of Form ODM-163.

This amends statement previously published in the FEDERAL REGISTER, August 17, 1956 (21 F. R. 6202).

Dated: February 1, 1957.

E. D. REEVES.

[F. R. Doc. 57-1181; Filed, Feb. 14, 1957; 8:50 a. m.]

WILLIAM WEBSTER

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

CHANGES IN INVESTMENTS SINCE LAST SUBMISSION OF FORM ODM-163

Deletions: Consolidated Industries, New Products Research Corp.

Additions: Baird Associates-Atomic Instrument Co., First National Bank of Bel Air, Northeastern Steel Corp., U. S. Leasing Co.

This amends statement previously published in the FEDERAL REGISTER, August 14, 1956 (21 F. R. 6076).

Dated: February 1, 1957.

WILLIAM WEBSTER.

[F. R. Doc. 57-1182; Filed, Feb. 14, 1957; 8:50 a. m.]

RUSSELL C. MCCARTHY

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

No change since last submission of Form ODM-163.

This amends statement previously published in the FEDERAL REGISTER, August 14, 1956 (21 F. R. 6076).

Dated: February 1, 1957.

RUSSELL C. MCCARTHY.

[F. R. Doc. 57-1183; Filed, Feb. 14, 1957; 8:50 a. m.]

PETER HENLE

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

No change since last submission of Form ODM-163.

This amends statement previously published in the FEDERAL REGISTER, August 17, 1956 (21 F. R. 6202).

Dated: February 1, 1957.

PETER HENLE.

[F. R. Doc. 57-1184; Filed, Feb. 14, 1957; 8:50 a. m.]

THOMAS R. REID

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

No change since last submission of Form ODM-163.

This amends statement previously published in the FEDERAL REGISTER, September 19, 1956 (21 F. R. 7046).

Dated: February 1, 1957.

THOMAS R. REID.

[F. R. Doc. 57-1185; Filed, Feb. 14, 1957; 8:50 a. m.]

R. CARTER WELLFORD

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

No change since last submission of Form ODM-163.

This amends statement previously published in the FEDERAL REGISTER, August 14, 1956 (21 F. R. 6076).

Dated: February 1, 1957.

R. CARTER WELLFORD.

[F. R. Doc. 57-1186; Filed, Feb. 14, 1957; 8:50 a. m.]

STANLEY RUTTENBERG

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

No change since last submission of Form ODM-163.

This amends statement previously published in the FEDERAL REGISTER, August 16, 1956 (21 F. R. 6152).

Dated: February 1, 1957.

STANLEY RUTTENBERG.

[F. R. Doc. 57-1187; Filed, Feb. 14, 1957; 8:51 a. m.]

CARLTON S. DARGUSCH

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

No change since last submission of ODM-163.

This amends statement previously published in the FEDERAL REGISTER, August 14, 1956 (21 F. R. 6076).

Dated: February 1, 1957.

CARLTON S. DARGUSCH.

[F. R. Doc. 57-1188; Filed, Feb. 14, 1957; 8:51 a. m.]

DAVID C. HOLUB

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

No change last submission of Form ODM-163.

This amends statement previously published in the FEDERAL REGISTER, August 16, 1956 (21 F. R. 6152).

Dated: February 1, 1957.

DAVID C. HOLUB.

[F. R. Doc. 57-1189; Filed, Feb. 14, 1957; 8:51 a. m.]

MAURICE C. WALSH

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

No change since last submission of Form ODM-163.

This amends statement previously published in the FEDERAL REGISTER August 8, 1956 (21 F. R. 5948).

Dated: February 1, 1957.

MAURICE C. WALSH.

[F. R. Doc. 57-1190; Filed, Feb. 14, 1957; 8:51 a. m.]

G. R. LESAUVAGE

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

No change since last submission of Form ODM-163.

This amends statement previously published in the FEDERAL REGISTER August 14, 1956 (21 F. R. 6076).

Dated: February 1, 1957.

G. R. LESAUVAGE.

[F. R. Doc. 57-1191; Filed, Feb. 14, 1957; 8:51 a. m.]

HAROLD S. BLACKMAN

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

No change since last submission of Form ODM-163.

This amends statement previously published in the FEDERAL REGISTER August 8, 1956 (21 F. R. 5948).

Dated: February 1, 1957.

HAROLD S. BLACKMAN.

[F. R. Doc. 57-1192; Filed, Feb. 14, 1957; 8:51 a. m.]

GEOFFREY BAKER

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

No change since last submission of Form ODM–163.

This amends statement previously published in the FEDERAL REGISTER, August 25, 1956 (21 F. R. 6429).

Dated February 1, 1957.

GEOFFREY BAKER.

[F. R. Doc. 57–1193; Filed, Feb. 14, 1957; 8:52 a. m.]

JAMES F. BROWNLEE

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

Since the last filing of this form on August 1, 1956, I have become a Director of the Spencer Chemical Company, and a stockholder in the General Plywood Corporation.

This amends statement previously published in the FEDERAL REGISTER August 8, 1956 (21 F. R. 5949).

Dated: February 1, 1957.

JAMES F. BROWNLEE.

[F. R. Doc. 57–1194; Filed, Feb. 14, 1957; 8:52 a. m.]

CHESTER F. OGDEN

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

Accessions: Glenn L. Martin.
Deletions: None.

This amends statement previously published in the FEDERAL REGISTER September 14, 1956 (21 F. R. 6965).

Dated: January 1, 1957.

CHESTER F. OGDEN.

[F. R. Doc. 57–1195; Filed, Feb. 14, 1957; 8:52 a. m.]

GORDON B. CARSON

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

No change since last submission of Form ODM–163.

This amends statement previously published in the FEDERAL REGISTER, August 14, 1956 (21 F. R. 6076).

Dated: February 1, 1957.

GORDON B. CARSON.

[F. R. Doc. 57–1196; Filed, Feb. 14, 1957; 8:52 a. m.]

JAMES H. TAYLOR

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

No change since last submission of form ODM–163.

This amends statement previously published in the FEDERAL REGISTER, August 14, 1956 (21 F. R. 6076).

Dated: February 1, 1957.

JAMES H. TAYLOR.

[F. R. Doc. 57–1197; Filed Feb. 14, 1957; 8:52 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24D–1278]

CALIFORNIA-UTAH PETROLEUM & URANIUM CO.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

FEBRUARY 11, 1957.

I. California-Utah Petroleum & Uranium Company, a Utah corporation, 230 Atlas Building, Salt Lake City, Utah, having filed with the Commission on May 28, 1954, a notification on Form 1–A and offering circular, and subsequently having filed amendments thereto relating to an offering of 1,000,000 shares of its 10¢ par value common stock at 10¢ per share for an aggregate of $100,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof, and Regulation A promulgated thereunder; and

II. The Commission having reasonable cause to believe that the terms and conditions of Regulation A have not been complied with in the following respects:

A. The offering circular omits to state material facts necessary in order to make the statements made, in light of the circumstances under which they are made, not misleading in that the offering circular fails to disclose the status of assessment work, if any, performed on the company's 217 mining claims. The use of such offering circular without appropriate disclosure in this matter would operate as a fraud and deceit upon the purchasers.

B. The company has failed to file reports of sales on Form 2–A as is required by Rule 224 under Regulation A.

III. *It is ordered,* Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it is hereby, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place of said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57–1165; Filed, Feb. 14, 1957; 8:47 a. m.]

[File No. 7–1843]

AMERICAN CAN CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

FEBRUARY 11, 1957.

In the matter of application by the Cincinnati Stock Exchange for Unlisted Trading Privileges in American Can Company, Common Stock; File No. 7–1843.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F–1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before February 27, 1957, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57–1166; Filed, Feb. 14, 1957; 8:48 a. m.]

[File No. 7-1844]

BOEING AIRPLANE CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

FEBRUARY 11, 1957.

In the matter of application by the Cincinnati Stock Exchange for Unlisted Trading Privileges in Boeing Airplane Company, Common Stock; File No. 7-1844.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1, promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before February 27, 1957 from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-1167; Filed, Feb. 14, 1957; 8:48 a. m.]

[File No. 7-1845]

COLGATE-PALMOLIVE CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

FEBRUARY 11, 1957.

In the matter of application by the Cincinnati Stock Exchange for Unlisted Trading Privileges in Colgate-Palmolive Company, Common Stock; File No. 7-1845.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before February 27, 1957, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-1168; Filed, Feb. 14, 1957; 8:48 a. m.]

[File No. 7-1846]

CORN PRODUCTS REFINING CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

FEBRUARY 11, 1957.

In the matter of application by the Cincinnati Stock Exchange for Unlisted Trading Privileges in Corn Products Refining Company, Common Stock; File No. 7-1846.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before February 27, 1957, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-1169; Filed, Feb. 14, 1957; 8:48 a. m.]

[File No. 7-1847]

GENERAL DYNAMICS CORP.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

FEBRUARY 11, 1957.

In the matter of application by the Cincinnati Stock Exchange for Unlisted Trading Privileges in General Dynamics Corporation, Common Stock; File No. 7-1847.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before February 27, 1957 from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-1170; Filed, Feb. 14, 1957; 8:48 a. m.]

[File No. 7-1848]

MONSANTO CHEMICAL CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

FEBRUARY 11, 1957.

In the matter of application by the Cincinnati Stock Exchange for Unlisted Trading Privileges in Monsanto Chemical Company, Common Stock; File No. 7-1848.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 promulgated thereunder has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before February 27, 1957 from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-1171; Filed, Feb. 14, 1957; 8:48 a. m.]

[File No. 7-1849]

OWENS-ILLINOIS GLASS CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

FEBRUARY 11, 1957.

In the matter of application by the Cincinnati Stock Exchange for Unlisted Trading Privileges in Owens-Illinois Glass Company, Common Stock; File No. 7-1849.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before February 27, 1957 from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-1172; Filed, Feb. 14, 1957; 8:48 a. m.]

[File No. 7-1850]

SPERRY RAND CORP.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

FEBRUARY 11, 1957.

In the matter of application by the Cincinnati Stock Exchange for Unlisted Trading Privileges in Sperry Rand Corporation, Common Stock; File No. 7-1850.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before February 27, 1957 from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-1173; Filed, Feb. 14, 1957; 8:48 a. m.]

[File No. 7-1851]

TEXAS CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

FEBRUARY 11, 1957.

In the matter of application by the Cincinnati Stock Exchange for Unlisted Trading Privileges in Texas Company, Common Stock; File No. 7-1851.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York and Midwest Stock Exchanges.

Upon receipt of a request, on or before February 27, 1957 from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-1174; Filed, Feb. 14, 1957; 8:49 a. m.]